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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046965
Party	Defendant ELM Development, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Gander Mountain Company,	)	
	)	Cancellation No. 92046965
	)	
Registrant	)	Mark: THE GANDERGUNMEN
	)	
v.	)	Reg. No. 3,086,200
	)	
ELM Development, LLC,	)	Reg. Date: April 25, 2006
	)	
Petitioner	)	
	)	

**MEMORANDUM OF LAW IN SUPPORT OF REGISTRANT’S OPPOSITION TO  
PETITIONER’S MOTION FOR SUMMARY JUDGMENT**

Petitioner, Gander Mountain Company (“Gander Mountain”), has filed a Motion for Summary Judgment in connection with the above-referenced cancellation proceeding.

Registrant, ELM Development, LLC (“ELM Development”), submits this opposition to Gander Mountain’s Motion for Summary Judgment.

**I. INTRODUCTION**

Before the close of discovery, Gander Mountain seeks summary judgment that ELM Development’s U.S. Trademark Registration No. 3,086,200 (“the ‘200 Registration”) should be canceled due to non-use and fraud. This motion should be denied as the evidence, properly construed in ELM Development’s favor, shows the service mark THE GANDERGUNMEN is, and always has been, advertised and used to render entertainment services to others by ELM Development and its related company, GanderGunman Production Company, LLC. Summary judgment regarding non-use lacks evidentiary support.

Gander Mountain’s claim of fraud is also baseless. Finding fraud on summary judgment is a draconian decision that requires clear and convincing proof that Gander Mountain failed to provide. The facts, construed in Registrant’s favor, show Mr. Eric L. Marhoun, ELM

Development's president, submitted no false statement to the United States Patent and Trademark Office ("Trademark Office") during prosecution of the '200 Registration. Drawing inferences in favor of ELM Development, the record fails to support any finding of the necessary deceptive intent to mislead and deceive the USPTO. ELM Development requests denial of Gander Mountain's Motion for Summary Judgment.

## **II. FACTUAL BACKGROUND**

### **A. Mr. Eric Marhoun and Mr. Pierce Smith Created a Joint Venture To Advertise and Offer Entertainment Services, Including Filming, Editing, Production, and Distribution, To Others under THE GANDERGUNMEN Mark.**

Mr. Eric Marhoun ("Marhoun") and his friend and colleague, Mr. Pierce Smith ("Smith"), have long enjoyed the sport of waterfowl hunting. (Declaration of Eric L. Marhoun in Supp. of Reg.'s Opp. to Pet's Mt. for Summ. Judgment ("Marhoun Decl.") ¶ 2; Declaration of Pierce Smith in Supp. of Reg.'s Opp. to Pet's Mt. for Summ. Judgment ("Smith Decl.") ¶ 2.) Since 2000, they have taken dozens of hunting trips together. (*Id.*) Marhoun and Smith have also enjoyed viewing videos and television shows relating to waterfowl hunting. (*Id.*) In 2001, they turned these hobbies into a joint business venture. (*Id.* at ¶ 3.) Marhoun and Smith created a joint venture aimed at filming, producing, and distributing videos relating to waterfowl hunting for third parties on a contract basis. (*Id.*) This joint venture, if successful, would allow Marhoun and Smith to be paid to do what they enjoyed—waterfowl hunting—and create what they enjoyed watching—waterfowl hunting videos. (*Id.*) Mr. Marhoun and Mr. Smith decided to partner and jointly offer these services to the general public under the service mark THE GANDERGUNMEN. (*Id.*)

Marhoun's role was to provide the finances to start the business, maintain their records and assist with filming, editing and producing. (Marhoun Decl. ¶ 4.) Smith's role was to

provide creative services, such as filming, editing and producing services. (Smith Decl. ¶ 4.)

Both assisted in the advertisement and rendering of THE GANDERGUNMEN services and resulting promotional video products. (Marhoun Decl. ¶ 4; Smith Decl. ¶ 4.)

To further this joint venture, Marhoun and Smith created two separate business entities. Marhoun registered ELM Development, LLC as the business entity to manage the finances and intellectual property relating to their joint venture. (Marhoun Decl. ¶ 5.) Smith registered GanderGunmen Production Company, LLC (“Gandergunmen Production”) to market, promote, and perform services offerings under THE GANDERGUNMEN mark. (Smith Decl. ¶ 5.) Gandergunmen Production and ELM Development collaboratively work together to advertise and provide entertainment services.

Marhoun and Smith, having no medium to adequately showcase and advertise their services, began filming their own waterfowl hunting expeditions, editing the film and producing videos to market their services. (Marhoun Decl. ¶ 7; Smith Decl. ¶ 8.) Marhoun and Smith consistently used THE GANDERGUNMEN service mark in connection with each video as both a screen shot. (Kliebenstein Decl. Ex. A, Deposition of Eric Marhoun, December 12, 2007 (hereinafter “Marhoun Dep.”) at 316:8-318:4; Marhoun Decl. ¶ 7; Smith Decl. ¶ 8.)

**B. Marhoun and Smith Received their First Request for the Claimed Services from Mr. Jeff Traxler on August 17, 2002.**

This advertising strategy resulted in their first request to provide services on August 17, 2002. (Marhoun Dep. at 23:18-37:7.) On this date, Marhoun and Smith showed patrons of Traxler’s Hunting Preserve in Le Centre, Minnesota a promotional video they filmed and produced. (*Id.* at 27:3-10.) The video, titled “Hard Gravity,” contained a screen shot advertising that the video was produced by THE GANDERGUNMEN. (*Id.* at 27:20-28:20; Marhoun Decl. ¶ 8.)

The owner of the hunting preserve, Mr. Jeff Traxler, was so impressed with the video that he requested performance of the same services for himself. (Marhoun Dep. at 25:7-26:5.)

Marhoun testified:

A:

[REDACTED]

Q:

[REDACTED]

A:

[REDACTED]

[REDACTED]

Mr. Marhoun's hunting journal and testimony further confirms this request for the performance of services and his arrangement to have Smith edit the footage. (Marhoun Dep. 247:8-18; Marhoun Decl. Ex. F.) [REDACTED]

[REDACTED]

[REDACTED] While Smith was involved in editing the footage, Marhoun was actively involved in the production of Traxler's video as Marhoun arranged for the editing and creation of the final product.

**C. Marhoun and Smith have Continually Advertised and Promoted their Service Offerings Under THE GANDERGUNMEN Brand.**

After performing services for their first customer, Marhoun and Smith continued to invest in their joint venture and advertise their service offerings. Marhoun and Smith began to advertise their services at trade shows, through letters and word of mouth, via the Internet and by display and distribution of their own promotional films. (*Id.* at 79:5-15; 80:6-20; 84:2-85:11; Smith Decl. ¶ 7.)

Marhoun registered the domain name www.thegandergunmen.com on December 19, 2003. (Marhoun Decl. ¶ 6.) Marhoun transferred this domain name to Smith who created a website promoting the services in July of 2007. (*Id.* at ¶ 6.) This website identifies GanderGunmen Production and ELM Development as co-owners of THE GANDERGUNMEN service mark. (Smith Decl. Ex. A.) The website advertises THE GANDERGUNMEN branded pre and post production services, including producing video and promotional clips, filming, editing, production and distribution of video and promotional clips for customers. (*Id.*)

**D. Between 2003 and 2008 Marhoun and Smith Advertised THE GANDERGUNMEN Production and Distribution Services Through Promotional Films Titled “Prelude to Hard Gravity” and “Hard Gravity: Volume I.”**

The best form of advertisement for the joint venture has always been distribution of promotional clips created by THE GANDERGUNMEN production services to those interested in waterfowl hunting. (Marhoun Decl. ¶ 7; Smith Decl. ¶ 8; *see also* Marhoun Dep. 63:11-64:11.) Marhoun and Smith created several promotional videos as part of a series titled “Hard Gravity”, each containing a screen shot displaying THE GANDERGUNMEN service mark. (*See, e.g.*, Marhoun Dep. at 28:5-15, 49:8-19; 63:2-14, 316:8-318:4.) [REDACTED]

[REDACTED]

[REDACTED]

In 2003, Marhoun and Smith decided to create a feature film recorded on a video to promote THE GANDERGUNMEN service offerings. This product, titled “Prelude to Hard Gravity,” was collaboration between GanderGunman Production and ELM Development. (*Id.* at 49:16-19.) This film was recorded from several of Marhoun and Smith’s hunting trips; in fact, ELM Development and GanderGunman Production Company required all those present on these trips to sign joint release forms. (Marhoun Decl. ¶10 and Ex. G.)



(Marhoun Decl. Ex. H.)

Marhoun and Smith finished producing the film titled "Prelude to Hard Gravity" in late 2005. (*Id.* at ¶ 12.) The final product contained THE GANDERGUNMEN service mark both on the cover of the DVD and as a screen shot. (*Id.* at ¶ 13) [REDACTED]

[REDACTED] Each of these videos were subsequently displayed and distributed throughout the United States. (*Id.*)

Many of these videos were distributed free of charge to potential customers and others who enjoyed waterfowl hunting. (*Id.* at ¶ 13.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After completion of "Prelude to Hard Gravity," Marhoun and Smith began working on another promotional film titled "Hard Gravity: Volume I." Filming began in 2005 and the film was ready for distribution in January of 2008. (*Id.* at ¶ 14; Smith Decl. ¶ 11.) Smith and Marhoun filmed many of the segments together. (*Id.*) Again, Smith edited the footage which Marhoun reviewed. (*Id.*) Smith distributed a beta version of this film in March of 2006 on the website [www.waterfowler.com](http://www.waterfowler.com) for review by others interested in waterfowl hunting. (Smith Decl. Ex. B.) The film was widely reviewed as a success; one commentator said "I hope you guys make it BIGTIME!" (*Id.*) [REDACTED]



**E. THE GANDERGUNMEN Service Mark Has Been Used Since 2002 to Provide Entertainment Services to Third Parties, Including the Production and Distribution of Hunting Videos and Shows.**

As a result of Marhoun and Smith's promotional efforts, THE GANDERGUNMEN service mark has been actively used in rendering entertainment services including filming, editing, and producing waterfowl hunting shows/videos for customers since 2002.<sup>1</sup> [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] These clips can be viewed on [www.youtube.com](http://www.youtube.com) and each film or video produced for a customer contains a screen shot displaying THE GANDERGUNMEN service mark. (*Id.* at ¶ 13 and Exs. D and E.)

THE GANDERGUNMEN services are not typically offered for a set hourly fee. Rather, as is customary in the hunting industry, the services are offered in exchange for monetary consideration, goods, services, and cross promotional and marketing considerations. (*Id.* at ¶ 14.) [REDACTED]

[REDACTED]

[REDACTED]

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<sup>1</sup> While Marhoun continues to review Smith's work and be consulted regarding use of the mark (*see, e.g.*, Marhoun Decl. Ex. L), Marhoun accurately testified that in recent years, ELM Development did not offer, by itself, pre and post production services, such as video consulting, editing, filming, recording and distribution. (Marhoun Dep. at 50:11-51:11.) Marhoun testified he did not know if services were being offered by Pierce Smith or, in the alternative, GanderGunman Production. (*Id.* at 53:21-54:4.) Marhoun stated Smith "would be a better source" for questions relating Smith's or GanderGunman Production' currently offered services under the mark. (*Id.* at 56:15-21.) This is because both Smith and GanderGunman Production own rights to the mark, and Marhoun was unsure as to whether Smith was currently operating as an individual or on behalf of GanderGunman Production. Gander Mountain chose not to depose Mr. Smith.

**F. The '200 Registration Was Correctly Registered for "Entertainment Services."**

In 2003, Marhoun and Smith sought trademark registration for their flagship mark, THE GANDERGUNMEN. On December 9, 2003, ELM Development filed an intent-to-use trademark application to register the service mark THE GANDERGUNMEN in connection with "entertainment services, namely production and distribution of a hunting show." (*See* Application for Service Mark, Principal Register.) ELM Development filed this application because ELM Development was in charge of the financial records for the joint venture. (Marhoun Dep. at 18:9-17.) Marhoun testified that THE GANDERGUNMEN was being used in commerce on this date. (*Id.* at 283:2-7.)

Without receiving any objections, the '200 Registration was given a notice of allowance on December 21, 2004. (Notice of Allowance.) None of Gander Mountain's trademarks were cited by the trademark examiner during prosecution. (*Id.*) Moreover, Gander Mountain did not oppose registration of this mark at any time.

ELM Development filed a statement of use on June 20, 2005, claiming a first use date of September 2002. (Registrant's Original Statement of Use.) ELM Development's specimen of use was a production trailer bearing the mark THE GANDERGUNMEN. Mr. Marhoun testified he believed that use of the mark in connection with a production trailer was advertisement of entertainment services, namely distribution and production of a hunting show. (Marhoun Dep. at 264:10-268:2.) Marhoun testified that on June 20, 2005, he believed THE GANDERGUNMEN service mark was being used in commerce. (*Id.* at 304:9-18.)

This initial specimen of use was rejected for failure to show use of the service mark in commerce as the mark on the specimen was TEAM GANDERGUNMEN.<sup>2</sup> (Office Action, August 10, 2005.) ELM Development submitted another specimen on February 10, 2006. This specimen was a screen shot from a promotional film displaying the mark THE GANDERGUNMEN. (Response to Office Action.) This specimen of use was accepted and the mark was registered on April 25, 2006. Mr. Marhoun testified he believed, both at the time of submission and at his deposition on December 12, 2007, the screen shot showed advertisement and use of “entertainment services” in commerce. (*Id.* at 318:1-319:6.) Marhoun also testified he believed distribution of Hard Gravity DVDs constituted advertisement and use of THE GANDERGUNMEN service offerings on commerce. (*Id.* at 304:19-305:4.)

While Smith and Marhoun jointly owned the mark as part of their joint venture, Marhoun, as the financier of the trademark registration, was the only owner listed on the ‘200 Registration. (*Id.* at 18:1-17.) Mr. Marhoun, on behalf of ELM Development and consistent with their prior arrangement, gave Pierce Smith and GanderGunman Production co-ownership of the ‘200 registration. (*Id.* at 19:5-17.) The transfer of co-ownership of the ‘200 Registration was a verbal agreement that was consummated by e-mail.<sup>3</sup> (*Id.* at 19:9-17; Smith Decl. Ex. F; Marhoun Decl. ¶ 16.) Smith continued to use the mark on behalf of GanderGunman Production, who had also made common law use of the service mark since August of 2002.

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<sup>2</sup> Gander Mountain claims this specimen was rejected because advertisement on a production trailer fails to show use in commerce. However, it is equally plausible this specimen of use was rejected because it contained the mark TEAM GANDERGUNMEN instead of the service mark THE GANDERGUNMEN.

<sup>3</sup> This email was not produced during discovery as neither Mr. Smith nor Mr. Marhoun kept a copy of this email. Mr. Marhoun no longer has access to the email account from which the email was generated. (Marhoun Dep. at 22:10-23:1.)

### III. LEGAL ARGUMENT

#### A. Legal Standard for Summary Judgment

On summary judgment, Gander Mountain has the burden of demonstrating the absence of any genuine issues of material fact, and that it is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). Only if Gander Mountain meets this burden is ELM Development required to show a genuine issue of material fact. Fed. R. Civ. P. 56(e). All evidence and testimony produced by ELM Development is to be believed, and all reasonable inferences must be drawn from the undisputed facts in the light most favorable to ELM Development, the non-movant. *Opryland USA, Inc. v. Great Am. Music Show, Inc.*, 970 F.2d 847, 850, 23 U.S.P.Q. 2d (BNA) 1471, 1472 (Fed. Cir. 1992).

In this case, Gander Mountain relies solely on the testimony of Mr. Eric L. Marhoun, a co-owner of THE GANDERGUNMEN service mark, to demonstrate non-use and fraud. The entire record, however, shows use of service mark in commerce and that ELM Development did not knowingly and intentionally deceived the USPTO. Accordingly, Gander Mountain's Motion for Summary Judgment should be denied.

#### B. The Facts, Construed in ELM Development's Favor, Show THE GANDERGUNMEN Service Mark has been Advertised and Used to Render Services in U.S. Commerce Since August of 2002.

To obtain registration, a service mark must be "used or displayed in the sale or advertising of services and the services are rendered in commerce." 15 U.S.C. § 1127. Advertising or use of a service must contain a direct association between the mark and services, meaning that the mark must be used in a way such that "it would be readily perceived as identifying such services." *In re Moody's Investors Svs., Inc.*, 13 U.S.P.Q. 2d (BNA) 2043, 2047 (TTAB 1989); *In re Metriplex Inc.*, 23 U.S.P.Q.2d (BNA) 1315, 1316-1317 (TTAB 1992) (use of service mark on computer screen to identify data transmission services found to be a proper

specimen). The service, however, need not be referenced explicitly even in a specimen which purports to show use of a mark in the advertisement or promotion of the services. *See In re ICE Futures U.S., Inc.*, 85 U.S.P.Q.2d (BNA) 1664, 1669 (TTAB 2008) (use of marks on website with word “futures contract” for financial services sufficient specimen); *In re Int’l Env. Corp.*, 230 U.S.P.Q. (BNA) 688, 691 (TTAB 1986) (specimen showing use of mark in surveys used to promote service with no mention of “distributorship services” found acceptable).

A registrant must also render the services claimed for others in commerce. Applicants may, under certain circumstances, rely on use of the mark by a related company for registration and continued registration. 15 U.S.C. § 1055; TMEP § 1201.03. A “related company” is defined as “any person whose use of a mark is controlled by the owner of the mark with respect to the nature and quality of the goods or services on or in connection with which the mark is used.” 15 U.S.C. § 1127. Two companies can be “related” in the trademark sense so long as the trademark owner controls the nature and quality of the goods and services in connection with which the mark is used—no common ownership is required. *Estate of Francisco Coll-Monge v. Inner Peace Movement*, 524 F.3d 1341, 1347 (D.C. Cir. 2008). A key issue in determining whether a third party is a “related company” is whether use of a service mark by the related company will deceive the public. TMEP § 1201.03(a). An applicant must only disclose use by a related company if the service mark is not used by the applicant as well. TMEP § 1201.03(a). An applicant does not need to explain its control over use of a mark by a related company. TMEP § 1201.03(b).

The evidence, construed in ELM Development’s favor, shows continued advertisement of and rendering services under THE GANDERGUNMEN service mark in commerce after August 17, 2002 by ELM Development and its related company, GanderGunman Production.

**1. The Facts, Construed in Registrant's Favor, Show ELM Development Advertised and Rendered THE GANDERGUNMEN Services in Commerce on August 17, 2002.**

Marhoun and Smith first advertised and provided THE GANDERGUNMEN service offerings to a third party on August 17, 2002. (Marhoun Dep. at 25:7-30:3.) On this date, Marhoun arranged to show patrons of Traxler's Hunting Preserve in Le Centre, Minnesota a promotional video Smith and Marhoun jointly filmed and produced to showcase their entertainment services. (*Id.* at 27:3-10.) The video, titled "Hard Gravity", contained a screen shot advertising THE GANDERGUNMEN as the source of the services that created the video. (*Id.* at 27:20-28:20.)

The owner of the hunting preserve, Mr. Jeff Traxler, was so impressed with the video that he requested performance of advertised THE GANDERGUNMEN services for himself.

(Marhoun Dep. at 25:7-26:5.) Marhoun testified:

A:

[REDACTED]

Q:

[REDACTED]

A:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] While Smith was involved in editing the footage, Marhoun was actively involved in the production of Traxler's video as Marhoun arranged for the editing and creation of the final product.

**2. The Service Mark THE GANDERGUNMEN Has Been Continuously Advertised in Commerce For Entertainment Services Since 2002.**

Marhoun and Smith continually advertised the service mark in connection with the provision of entertainment services for others as partners in a joint venture. Mr. Marhoun testified he advertised through letters and word of mouth. (*Id.* at 80:6-20.) Business records produced by Mr. Marhoun from 2003-2006 show several trips and business meetings relating to advertising the service offerings. (*Id.* at 132:6-134:16; 168:2-170:10; Marhoun Decl. Ex. B-E.) The services have been advertised on the website [www.gandergunmen.com](http://www.gandergunmen.com) since 2007. (Marhoun Dep. at 79:5-15 and *supra* p. 4) Marhoun and Smith also attended trade shows to advertise THE GANDERGUNMEN entertainment services. (*Id.* at 84:12-85:11; Smith Decl. ¶ 7.)

Since 2001, Marhoun and Smith collaborated to produce several videos in the “Hard Gravity” series. (*Id.* at 49:16-19; 63:8-14.) Each of these videos contained a screen shot advertising THE GANDERGUNMEN as the source of the services. (*Id.* at 316:8-318:4.) The first full length film was “Prelude to Hard Gravity.” (Marhoun Decl. ¶ 10; Smith Decl. ¶ 9.) Release forms signed by participants show this film was collaboration between ELM Development and GanderGunman Production. (Marhoun Decl. Ex. G.) ELM Development financed the promotional piece and was actively involved in filming and distribution. (*Id.* at ¶¶ 10-13; Exs. I, J, K.) Smith provided editing and production services. (Smith Decl. ¶ 9.)

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████████████████████

After production and distribution of “Prelude to Hard Gravity,” Smith and Marhoun began filming “Hard Gravity: Volume I.” Smith edited the footage with Marhoun’s oversight.

(Marhoun Decl. Ex. L; Smith Decl. ¶ 11.) A beta version was released for review in March of 2006. (*Id.* Ex. B.) The final version was released in January of 2008. (Smith Decl. ¶ 11.)

These promotional videos constitute proper advertising and use of a service mark in commerce. All promotional films were collaboration between ELM Development and GanderGunmen Production. (Marhoun Dep. at 49:8-19.) Each promotional film contained a screen shot advertising THE GANDERGUNMEN as the source of the services and labor that created the video. (*Id.* at 316:8-318:4; Marhoun Decl. ¶ 7; Smith Decl. ¶ 8.) The screen shot indicates THE GANDERGUNMEN is the source of the labor/services that created the video. The requisite relationship between the advertising and service offerings exists. As Marhoun testified, these videos were examples of “the purpose of [THE GANDERGUNMEN] business.” (Marhoun Dep. at 318:12-319:6.)

**3. THE GANDERGUNMEN Services have been Rendered for Others Since 2002.**

As a result of Marhoun and Smith’s promotional efforts, THE GANDERGUNMEN service mark has been actively used in connection with producing and distributing hunting videos and shows for several customers since 2002. In 2002, Smith and Marhoun provided services to Mr. Jeff Traxler. *Supra* at Section II.B. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Several of these video clips are available to view at [www.youtube.com](http://www.youtube.com) and each contains a screen shot displaying THE GANDERGUNMEN service mark. (*Id.* at ¶ 13 and Ex. D and E.)

Marhoun and Smith have received payment for their services, including goods, services, and cross promotional and marketing considerations. (*Id.* at ¶ 14.) [REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

**4. Smith's Use and Service Renderings Inure to the Benefit of Registrant as GanderGunmen Production is a "Related Company".**

Smith's use and provision of services in connection with THE GANDERGUNMEN mark benefits ELM Development under TMEP 2103 and 15 U.S.C. § 1055. The facts construed in ELM Development's favor show that GanderGunmen Production and Pierce Smith are "related" in the trademark sense to ELM Development and Eric Marhoun. Marhoun and Smith partnered in 2001 to film, produce and distribute hunting videos on a contract basis for third parties under THE GANDERGUNMEN mark. (Marhoun Decl. ¶3; Smith Decl. ¶ 3.) This partnership/joint venture is confirmed by Marhoun's testimony:

[REDACTED]

[REDACTED]

Consistent with this relationship, Marhoun testified that both he and Smith are co-owners of THE GANDERGUNMEN service mark. (*Id.* at 17:21-20:15.) Documentary evidence confirms this joint ownership. Individuals working with Smith and Marhoun had to sign release forms giving both ELM Development and GanderGunman Production the right to use their likeness. (Marhoun Decl. Ex. G.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Smith received co-ownership of the '200 Registration via an oral agreement and via e-mail in 2005.<sup>4</sup> (Marhoun Decl. ¶ 16; Smith Decl. Ex. F.)

The evidence, construed in ELM Development's favor, also shows that Marhoun/ELM Development controls the nature of use and quality of services performed by Pierce Smith/GanderGunman Production. Marhoun was the financier of the joint venture for the two partners. (Marhoun Decl. ¶¶ 4-5; Smith Decl. ¶ 4.) Marhoun worked side-by-side with Smith on many projects. Marhoun was actively involved in the service offering to Jeff Traxler in 2002. (Marhoun Dep. at 23:19-24:10.) Marhoun was actively involved in the production and distribution of all THE GANDERGUNMEN promotional DVDs. (Marhoun Decl. ¶ 10-14; Exs. G-K.) [REDACTED]

[REDACTED] Marhoun actively reviewed Smith/GanderGunman Production's use of the mark and monitored Smith's work.<sup>5</sup> An email from Smith to Marhoun dated March 30, 2006 regarding a THE GANDERGUNMEN branded promotional video confirms that Smith reported to Marhoun:

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>4</sup> While this email, attached as Exhibit F to the Smith Declaration, conveys joint ownership of the mark "The GanderGunman", Marhoun and Smith testified ownership of the mark THE GANDERGUNMEN was transferred. (Marhoun Dep. at 19:9-13; Smith Decl. ¶ 15.) Marhoun confirmed Exhibit F contains a typo and THE GANDERGUNMEN was transferred. (Marhoun Decl. ¶ 16.)

<sup>5</sup> Marhoun testified he had never objected to Smith's use of THE GANDERGUNMEN mark. This statement is irrelevant to the fact that Marhoun monitored Smith's use of the mark.

These facts demonstrate a genuine dispute of material facts exist and summary judgment should be denied.

**C. Gander Mountain Has Not Shown Clearly and Convincingly that Undisputed Facts Demonstrate Mr. Marhoun Committed Fraud.**

Gander Mountain's request for cancellation of the '200 Registration on summary judgment due to fraud lacks evidentiary support and should be denied.

**1. Fraud Requires Proof of a Misrepresentation of Material Fact and Intent to Deceive.**

A person may petition to cancel a registered service mark on the basis that the Registrant procured the registration by fraud. *Metro Traffic Control, Inc. v. Shadow Network Inc.*, 104 F.3d 336, 340, 41 U.S.P.Q.2d (BNA) 1369, 1373 (Fed. Cir. 1997). A claim for fraud must be clearly and convincingly proven and proven "to the hilt." *Stocker v. Gen. Conf. Corp. of Seventh-Day Adventists*, 39 U.S.P.Q. 2d (BNA) 1385, 1391 (TTAB 1989). Fraud occurs "when an applicant knowingly makes false, material representations of fact in connection with his application." *Torres v. Cantine Torresella S.r.l.*, 808 F.2d 46, 48, 1 U.S.P.Q. 2d (BNA) 1483, 1484 (Fed. Cir. 1986) (citations omitted.) As stated in *Univ. Games Corp. v. 20Q Inc.*, 87 U.S.P.Q. 2d (BNA) 1465, 1467 (TTAB 2008), "a party making a fraud claim is under a heavy burden because fraud must be proved by clear and convincing evidence, leaving nothing to speculation, conjecture, or surmise. Any doubt must be resolved against the party making the claim." (Citations omitted.)

In this case, Gander Mountain failed to show that undisputed material facts support a finding that ELM Development made false representation of material fact or that Mr. Marhoun had any intent to deceive the Trademark Office. Gander Mountain has set forth no evidence proving that ELM Development, Eric Marhoun, knowingly and intentionally made a false,

material representation of fact in connection with the '200 Registration. Accordingly, Gander Mountain's request for summary judgment should be denied.

**2. ELM Development Did Not Make a False Representation to the Trademark Office.**

Gander Mountain claims that ELM Development's date of first use was false. The evidence of record, construed in ELM Development's favor, contradicts Gander Mountain's claim. The Lanham Act only requires proof of two elements to establish use in commerce of a service mark:

1. Display in the advertising of services; and
2. Rendering the services in commerce.

15 U.S.C. §1127.

ELM Development/Eric Marhoun and Pierce Smith, as the co-owners of THE GANDERGUNMEN service mark, met these two criteria on August 17, 2002.<sup>6</sup> On that date, Marhoun arranged to display a promotional video to the patrons of Traxler's Game Preserve in Le Centre, Minnesota. As a result of this viewing, THE GANDERGUNMEN were hired by Mr. Jeff Traxler to mix and edit film footage and create a video for distribution to Mr. Traxler. (Marhoun Dep. at 25:7-26:51.) In exchange, Smith and Marhoun received a free lunch and hunting trip to Mr. Traxler's preserve. (*Id.* at 28:21-30:3.) While Smith was involved in editing the footage, Marhoun was actively involved in the production of Traxler's video as Marhoun arranged for the editing and creation of the final product. (*Id.* at 247:8-18.) Moreover, any use or service rendering by Smith inures to Marhoun/ELM Development as Smith and GanderGunmen Production is a "related company." *Supra* Section III.B.4.

---

<sup>6</sup> Gander Mountain contends that because the services provided to Mr. Traxler were an isolated instance that Eric Marhoun's claim of first use is false and fraudulent. However, failure to establish sufficient use in commerce is not synonymous with making fraudulent statements to the USPTO.

Marhoun's certification that the mark continued to be used in commerce on June 20, 2005 and February 12, 2006 were equally accurate. (Registrant's Original Statement of Use and Substitute Statement of Use.) As discussed above, Marhoun and Smith continually advertised and promoted their service offerings after 2002. *Supra* Section III.B.2. Marhoun and Smith attended trade shows, sent letters, advertised via word of mouth, created a website and promotional videos. (*Id.*) Each promotional video, a collaborative effort between ELM Development and GanderGunmen Production, contained a screen shot referencing THE GANDERGUNMEN as the source of the filming, editing and production of the videos. (Marhoun Dep. at 49:8-19; 316:8-318:4; Marhoun Decl. ¶ 7; Smith Decl. ¶ 8.)

As a result of use of THE GANDERGUNMEN mark in connection with advertising, the reputation of THE GANDERGUNMEN service offerings grew. Accordingly, several third parties sought THE GANDERGUNMEN service offerings for production of hunting shows to meet the third party needs. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Accordingly, the facts construed in ELM Development's favor show that Marhoun's statements to the Trademark Office regarding use of THE GANDERGUNME in commerce were accurate and truthful. Summary judgment regarding fraud should be denied.

**3. Regardless of Whether Marhoun's Statements of Use are Determined to be False, The Record Lacks Any Evidence of Intent to Deceive the Trademark Office.**

Summary judgment should be denied because the record lacks proof that ELM Development made any statements to the Trademark Office that were knowingly false and made to intentionally mislead. *Metro*, 104 F.3d at 341; 41 U.S.P.Q.2d (BNA) at 1373. A party

asserting fraud needs to show “the acts alleged to be fraudulent were made in bad faith with a fraudulent purpose and intent to secure a registration by deception.” *Stocker*, 39 U.S.P.Q.2d at 1391. The issue of whether a particular representation was in good faith as an honest mistake or made with scienter and intent to deceive is a question of fact and must be proven by clear and convincing evidence. *Copelands’ Enters., Inc. v. CNV, Inc.*, 945 F.2d 1563, 1567, 20 U.S.P.Q.2d (BNA) 1295, 1299 (Fed. Cir. 1991).

Fraud does not exist if a “false misrepresentation” occurred by honest misunderstanding, inadvertence, negligent omission, or the like rather than with willful intent to deceive. *Smith Int’l, Inc. v. Olin Corp.*, 209 U.S.P.Q. (BNA) 1033, 1340 (TTAB 1981); *Metro*, 103 F.3d at 341, 41 U.S.P.Q.2d (BNA) at 1373. Moreover, the Board cannot infer fraud merely because a registrant cannot establish use in commerce. *Maids to Order of Ohio v. Maid-to-Order, Inc.*, 78 U.S.P.Q.2d (BNA) 1899, 1906-1907 (TTAB 2006) (finding no fraud as the Board’s job was not to decide whether the activities did in fact constitute adequate use in commerce, but rather whether the registrant honestly believed they did during prosecution).

The evidence fails to show, clearly and convincingly, that Mr. Marhoun intended to deceive the Trademark Office. Marhoun testified that he only had a lay person’s understanding of trademark law. (*Id.* at 284:17-21.) Marhoun testified he believed the mark was continually used in commerce: “I...believe that I do use it in connection with and have used it in connection with services.” (*Id.* at 325:19-21.) Marhoun testified that as of the filing date of the ‘200 Registration, he believed ELM Development was using the mark THE GANDERGUNMEN in connection with entertainment services. (*Id.* at 283:2-7.) Marhoun testified that at the time both specimens of use were submitted to the Trademark Office he believed the mark was currently being used in commerce. (*Id.* at 299:13-20; 315:14-318:21.)

Regardless of whether Registrant's activities actually constitute use in commerce, Registrant honestly believed they did. *See Maids*, 78 U.S.P.Q.2d (BNA) at 1907 (reasonable belief of use sufficient to avoid fraud). Mr. Marhoun honestly believed his actions, and Mr. Smith's actions, constituted continued use that would support registration of a service mark. (Marhoun Decl. ¶ 16.) As stated in *Metro*, there is a difference between a false statement and a fraudulent statement. *Metro*, 104 F.3d at 340, 41 U.S.P.Q.2d (BNA) at 1373. Mr. Marhoun's honest beliefs negate any inference of fraud in obtaining and maintaining the '200 Registration. As these facts show a lack of deceptive intent, Gander Mountain's Motion for Summary Judgment should be denied.

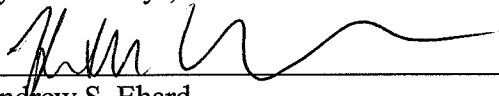
#### IV. CONCLUSION

ELM Development requests the Board deny Gander Mountain's meritless Motion for Summary Judgment. Gander Mountain's claim for non-use ignores material facts that show ELM Development has used the mark in commerce in connection with entertainment services, namely production and distribution of a hunting show. The claim for fraud is clearly improper as no evidence of a false statement made with intent to deceive exists on the record. Accordingly, Gander Mountain's Motion to Amend should be denied.

Respectfully submitted,

ELM Development, LLC

By its attorneys,

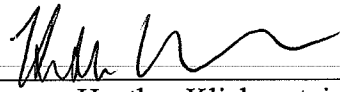
  
\_\_\_\_\_  
Andrew S. Ehard  
Heather J. Kliebenstein  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
Telephone: (612) 332-5300

Date: 10-13-08

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S OPPOSITION TO REGISTRANT'S MOTION TO AMEND THE PETITION FOR CANCELLATION was served upon the following attorney of record for Applicant by First Class Mail, this 13th day of October, 2008:

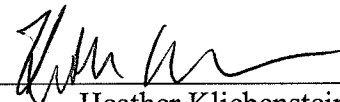
Kevin Ueland  
Dorsey & Whitney LLP  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402



Heather Kliebenstein

**CERTIFICATE OF MAILING**

I hereby certify that this MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S OPPOSITION TO REGISTRANT'S MOTION TO AMEND THE PETITION FOR CANCELLATION is being filed electronically with the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals (ESTTA) on this 13th day of October, 2008.



Heather Kliebenstein



**DECLARATION OF  
HEATHER J.  
KLIEBENSTEIN AND  
EXHIBITS FILED UNDER  
SEAL**

**DECLARATION OF  
DECLARATION OF ERIC  
L. MARHOUN AND  
EXHIBITS FILED UNDER  
SEAL**

**DECLARATION OF  
DECLARATION OF  
PIERCE SMITH AND  
EXHIBITS C AND F  
FILED UNDER SEAL**

# **EXHIBIT A**



Home GEARSHOP Videos GanderGunmen ProStaff Photos Pit Blind ProShop About Us Our Amigos

GanderGunmen

"Hard Gravity"

Hard Gravity: The Movie

Hard Gravity: The Movie



Sota Smith

GanderGunmen Production Company LLC

Sota Smith is a professional hunter and a member of the GanderGunmen ProStaff.

The GanderGunmen "Hard Gravity" is a professional hunting video produced by GanderGunmen Production Company LLC.

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Sota Smith

GanderGunmen Production Company LLC

The GanderGunmen "Hard Gravity" is a professional hunting video produced by GanderGunmen Production Company LLC. The video features Sota Smith, a professional hunter and a member of the GanderGunmen ProStaff, hunting in the mountains of Colorado. The video is a high-quality production with stunning cinematography and sound.

Ryan Marlowe

ELM Gunworks LLC

The GanderGunmen "Hard Gravity" is a professional hunting video produced by GanderGunmen Production Company LLC. The video features Ryan Marlowe, a professional hunter and a member of the GanderGunmen ProStaff, hunting in the mountains of Colorado. The video is a high-quality production with stunning cinematography and sound.

Woodrow "O Man" Merritt

GanderGunmen Pro Staff Team

The GanderGunmen "Hard Gravity" is a professional hunting video produced by GanderGunmen Production Company LLC. The video features Woodrow "O Man" Merritt, a professional hunter and a member of the GanderGunmen ProStaff, hunting in the mountains of Colorado. The video is a high-quality production with stunning cinematography and sound.



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email: webmaster@gandergunmen.com sota@gandergunmen.com hoan@gandergunmen.com q-man@gandergunmen.com rawhide@gandergunmen.com

ms.sota@gandergunmen.com trapper@gandergunmen.com hellbilly@gandergunmen.com

Sota Smith The GanderGunmen

# **EXHIBIT B**



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**Post A Reply**

Index >>  Online Lodge Open Forum >> Hard Gravity-Most Excellent!

Go to page 1 2 3 4 5

Author

Hard Gravity-Most Excellent!

**Wayne-Mask**

Posted: 2006-03-14 15:17



WFC Sponsor

IP Logged

Registered: 09-20-2001  
 Posts: 7155  
 From: TX  
 US

Much to my glee, awaiting me was my copy of Hard Gravity from the GanderGunman and crew when I got back from lunch. I told the secretary to hold all calls, cancel all patients. It's Movie Time!

Great job Sota. I've never enjoyed a video anymore than this one. Action packed, humor, good tunes, and mucho killing extraordinaire.

You fellas gotta see this!

(This was an unsolicited opinion, right Master Sota?) 

 profile
  edit/delete
  quote

**No ducks**

Posted: 2006-03-14 15:18



WFC Sponsor

IP Logged

Registered: 12-14-2001  
 Posts: 7695  
 From: AR  
 US

Wayne I have gone into a deep depression about you not making it to Reelfoot, will try to change plans.

So whats the movie about? Any skin?

 profile
  edit/delete
  quote

**mazoniacutem**



Gold Sponsor

IP Logged

Registered: 11-25-2001  
 Posts: 4945  
 From: IL  
 US

Posted: 2006-03-14 15:19

Okay, where can we get our hands on this..I love home movies!

 profile
  edit/delete
  quote


**Wayne-Mask**



WFC Sponsor

IP Logged

Posted: 2006-03-14 15:32

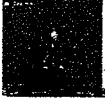
Sota and his band of killers wandering the country smacking ducks and geese up close and personal, with the added bonus of blind talk and all. Contact the Master for your copy today! I think they even shoot a Spoonie or two. 

**GG 000041**

Registered: 09-20-2001  
 Posts: 7155  
 From: TX  
 US

 profile  edit/delete  quote

### Wayne-Mask



WFC Sponsor

IP Logged

Posted: 2006-03-15 07:52

Bump for the morning crew. You fellas need to see this most excellent video. So good I watched it again last evening.

Registered: 09-20-2001  
 Posts: 7155  
 From: TX  
 US

 profile  edit/delete  quote

### Richard-Foxx



Field Editor

IP Logged

Posted: 2006-03-15 07:57




I liked it. The beginning my kids kept saying is this all it's going to be?

It was hard to hear you guys talking, especially when you moved away from the camera. I missed some of the jabs that you, the guys and the Duck Hunting Philanthopist threw at each other.

Good video. Good shooting (some of the times).

Pretty cool. When can I take part?

Registered: 11-19-2001  
 Posts: 12174  
 From: MD  
 US

 profile  edit/delete  quote

### TexasAggie



Supporting Member


IP Logged

Posted: 2006-03-15 08:29

Got my copy in the mail last night. Will be watching it this weekend. I'll post up my thoughts then.

Thanks, Sota.

Registered: 11-29-2003  
 Posts: 5742  
 From: NC  
 US

 profile  edit/delete  quote

### MUDDOG



WFC Sponsor

IP Logged

Posted: 2006-03-15 08:42

I've watched about 1/3 of it. When I got home from work yesterday, it was laying against my back door in a package. I sat down and immediately watched it, in my work clothes. But I had to go pick up my son.

Let me say this is so far THE BEST duck/goose hunting movie I've ever seen. It has excellent video resolution, effects, music, interaction, etc. Sota and crew spared no punches. THX Dolby Surround, the whole 9 yards. This thing makes my movies look like dime store material. It is professionally produced and edited.

I can't wait to finish it tonight!

Registered: 07-29-2002  
 Posts: 19482  
 From: TX  
 US

 profile  edit/delete  quote

### Slough Ape



Gold Sponsor

IP Logged

Posted: 2006-03-15 09:24

Mine better get here today. Sota PM'd me and I think it is due to arrive this afternoon.

Registered: 12-07-2001  
 Posts: 7857  
 From: OH  
 US

 profile  edit/delete  quote

GG 000042



**Gude**Supporting  
Member

IP Logged

Posted: 2006-03-15 11:04

Registered: 10-10-2002  
Posts: 6360  
From: TX  
US[profile](#) [edit/delete](#) [quote](#)

Who does a guy have to blow to get one of these videos?

**Kinlog**

WFC Sponsor



IP Logged

Posted: 2006-03-15 11:16

Registered: 07-29-2002  
Posts: 4766  
From: LA  
US[profile](#) [edit/delete](#) [quote](#)

SSHhhhhh Gude. I'm trying to talk Sota out of a copy as we speak,,Exnay on the blow thing...

**Shawn-Keeton**

Field Editor



IP Logged

Posted: 2006-03-15 11:32

Registered: 12-18-2002  
Posts: 7234  
From: KY  
US[profile](#) [edit/delete](#) [quote](#)

Uhhhhhh hello. How bout SKEE?????

**MUDDOG**

WFC Sponsor



IP Logged

Posted: 2006-03-15 11:41

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US[profile](#) [edit/delete](#) [quote](#)

Here's where it gets fun.👁

**Jungle Jim**Supporting  
Member

IP Logged

Posted: 2006-03-15 12:12

Registered: 09-21-2004  
Posts: 4206  
From: VA  
US[profile](#) [edit/delete](#) [quote](#)

Sota told me if I promised to keep my "review" under 500 words he would send me a copy. I told him I'd try. That was a week ago. It's going to have to be pretty good to beat MUDDOG's production. I understand Pond Scum couldn't make the hunt due to a previous obligation.

Something about cattle rustlers.

**scoteroni**

Gold Sponsor



IP Logged

Posted: 2006-03-15 12:28

Registered: 10-17-2002  
Posts: 6170  
From: MD  
US[profile](#) [edit/delete](#) [quote](#)

I am watching it now. I just minimized the screen to type this, but there is gunfire coming from my computer.

**Chris Vogel**

Gold Sponsor



IP Logged

Posted: 2006-03-15 12:57

scoteroni? Minimize?

GG 000043

Registered: 11-17-2001  
Posts: 17916  
From: Pennsylvucky  
US

That's the same word in two different languages.

Still waiting for my copy.

 profile  edit/delete  quote

Posted: 2006-03-15 13:25

**scoteroni**



Gold Sponsor



IP Logged

Registered: 10-17-2002  
Posts: 6170  
From: MD  
US

minimize: verb

To shrink in fear of attack by large Pennsylvanian; to duct tape rear whenever in Pennsylvania because of high probability of attack from rear guard.

 profile  edit/delete  quote

Posted: 2006-03-15 13:28

**scoteroni**



Gold Sponsor



IP Logged

Registered: 10-17-2002  
Posts: 6170  
From: MD  
US

Hey guys,

I have now finished my initial viewing of this video. WOW. Honestly. It is a really fine piece of work. Congraculationes, mi amigo!

This video is pretty much the coolest hunting film I've watched, period. As I watched it, I thought about the Whistling Wings videos I've seen. They blew by comparison. They were boring. This ain't.

It's visually interesting (no, not stimulating, Vogel), and the music is perfect. Lots of good hunter commentary. Hey Sota, I had no idea you guys made it to the Hudson River. Very cool.

Everyone should watch this one. It will get Sota noticed. Nice going.

 profile  edit/delete  quote

Posted: 2006-03-15 14:24

**Richard-Foxx**



Field Editor



IP Logged

Registered: 11-19-2001  
Posts: 12174  
From: MD  
US

Minimize or Minimus:

The art of being small, verb to be a midget, use, If you minimize Scoteroni, you won't be able to see him.

 profile  edit/delete  quote

Posted: 2006-03-15 16:34

**Nat-Dudka**



Field Editor



IP Logged

Registered: 11-08-2002  
Posts: 4700  
From: TX  
US

How do I get one? The PM thingy ain't working.

Love the Redheads

 profile  edit/delete  quote

Posted: 2006-03-15 16:37

**Nat-Dudka**



Field Editor



IP Logged

Registered: 11-08-2002  
Posts: 4700  
From: TX  
US

OK I got the PM thingy working.

Love the Redheads

 profile  edit/delete  quote

GG 000044

**MACHINE**

Gold Sponsor



IP Logged

Registered: 03-01-2002  
 Posts: 1885  
 From: OK  
 US

Posted: 2006-03-15 17:37

**MOMMY I WANT ONE TOO**

profile

edit/delete

quote

**Sota Smith**

Field Editor



IP Logged

Registered: 02-01-2002  
 Posts: 3502  
 From: MN  
 US

Posted: 2006-03-15 18:18

Wayne,

Thanks for starting this thread, amigo—I appreciate any and all comments, opinions, as well as suggested edits to "Hard Gravity" Volume I to posted here—the "Wayne-Mask" official feedback forum to the DVD.

The copy of "Hard Gravity" sent to some WFCers is a BETA, pre-release version of the film.

While a all copyrights-patents have been secured, and music licensing rights secured, or in currently negotiation, this is not the final "retail" version of the film. Therefore, no money can be exchanged, or this video, in this form, broadcast.

I will attempt to send an additional 20 copies of DVD on a first-come, first serve basis to WFCers who provide me with a mailing address.

The BETA DVD will be yours to keep provided that you agree not to copy, distribute, broadcast any part... I will pick up the cost of regular mail, provided that you view the video, and provide your commentary/opinions here.

I have received several PMs volunteering to review and provide feedback to our first venture into the professional waterfowl video market.

I really appreciate, am grateful in the initial interest of this video, as it represents a large investment of time...

For Jungle Jim, PotomacDuck, Chris Vogel, Nat Dudka, WhistleBritches, you will be included in the next mailing wave...

MACHINE, PM me bro with a mailing address.

KJNlog—the same.

GUDE, your price will be a cowboy hat and camping trip 🍷

Seriously Gude call or PM me, bro—since the snowgoosehunt has been pushed off this weekend due to the storm, maybe just come over to Casa Smith Sat. night, we will have some beers and view it on the bigscreen...

For the record, MUDDOG is a talented filmmaker. He and I have consulted on many occasions on our mutual headaches regarding the challenges turning random video clips into something coherent.

MUDDOG's title credits on "SprigTime" 2005 inspired this film...

profile

edit/delete

quote

**Sota Smith**

Posted: 2006-03-15 19:20

**GG 000045**



Field Editor

IP Logged

Registered: 02-01-2002  
 Posts: 3502  
 From: MN  
 US

PS WFC mailing addresses should be PMed to me.

profile

edit/delete

quote

Posted: 2006-03-15 23:51



Field Editor

IP Logged

Registered: 07-29-2002  
 Posts: 1428  
 From: MN  
 USA

I watched it.

I loved it.

I'm emotionally drained. Spent. I feel as if I was on a week-long, no-holds-barred cross-continental waterfowling rave.

It shouldn't be rated PG-13, it should be Triple X. Gratuitous violence set to music.

I need more Yukon - yeah, that's better.

Good stuff Sota. I like the no BS commentary - the way the blind banter really is. And I like the variety - razorbacks, cornhuskers and polar bears. And you really hit it with the music - an eclectic mix of trance, REAL rock, and God knows what the hell else.

A sneak peek at what hunting (with Sota) is all about.

After cancelling out of Sodak for this weekend, the snow geese hunts will possibly keep me sane for another week. You really captured the white tornados in a way that other snow goosin' vids don't.

The only thing you're missing is an early-season Bemidji Canada bloodbath.....



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Author

**TrashDux**




Gold Sponsor



IP Logged

Registered: 07-09-2004  
Posts: 1057  
From: MN  
US

**Hard Gravity-Most Excellent!**

 Posted: 2006-03-16 01:28

Sota...here's my critique.

First...I must post a disclaimer: In no way should anything I say be considered an insult to you, your buds, the way you hunt, etc. Also, some of the flaws i'll point out may be completely beyond your controls, or something stemming from experience or lack of when it comes to filming, and/or camera operation. I'm unclear on exactly what you had in mind when making the video...what you want in a video will surely differ than what I want.

Now on to the show!!

As far as videos go, I thought the descriptions of the things you did were good, it's something most others overlook. The 'end of hunt' commentary was cool... there could be a little more description of what you did for the day.

If your goal was to show what a good time you boys have on hunt, it was a total success. The video has very good personality.

There was a definite difference in the two cameras you used, stick with the digital if you can.

My first dislike...and i'm not sure what you'd really call it...was the screen captures that faded off to the side...far too much of that. That coupled with the out of focus kill shots was not too appealing to me. And speaking of out of focus kill shots...SloMo should be used on clear shots.

Next biggest dislike, and probably most important...there were too many times the camera had the sun in it. I'd suggest doing everything you possibly can(if you didn't) in keeping the sun behind the camera. I imagine it's very hard to do, but the picture quality will be that much better. I was kinda bored with watching black dots get shot at.

Along with the last part, when the lighting and conditions allow, keep the camera as close to the shooters as you can, and let the cameraman call the shots. It's easier for you to get up and shoot, then it is for him to maybe not be ready...and try to catch up with what's happening when the shooting starts. More time behind

**GG 000047**

the camera will definitely benefit this as well, as i'm sure that is the hardest part of filming...staying on and in focus on fast moving targets.

The music you chose was good. nothin' better than some good rock...but DEVO???



Someone posted "up close and personal"...that I gotta disagree with. Most shots seemed very far. At least 75% of them were crippling shots. There could be many factors involved in this, i'm not sure exactly though.(see discalimer)

I can point out more things in fine detail if you'd care to hear it. But it's probably stuff you've already noticed.

Overall I thought it was good...not great. For a first attempt you should be very proud. I for one, have no filming experience so what actually goes into it I am clueless. Same with editing and putting it all together...that's way out of my league. I imagine there are many hardships that are involved in trying to get good footage of a hunt, and the more time you do it, the better everything will get for sure. There were many parts I liked, and many I didn't. There was a few occasions I completely lost interest...the screen shots, and a few times that it seemed like 20 minutes for a dog to grab a duck. When there was action, there was action, when there was not...

So there's some of it for now! I gotta get back to work!! I'll watch it more...and i'll post up some other likes/dislikes...I am just outta time for now.

Great job and THANKS!!!

Later  
Ron

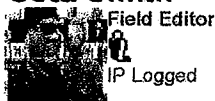
 profile

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 quote

 Posted: 2006-03-16 06:46

**Sota Smith**



Field Editor

IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

TrashDux,

Thanks man, for the awesome, specific candid feedback.

There is definately some "polishing" that we know needs to be done before we go to a final version—and specific feedback like this helps us hone in on certain areas of the film.

Ole, the same, bro—especially the PM you sent me focusing on the finer details...

The side-to-side sliding transitions were experimental—we have had some reservations if it created to much of a distraction, or choppiness to the film.

Also the points you made about slow mo on blurred shots makes sense—good catch, guys...

Keep up the feedback—

Generally how was the length? Too Long?

 profile

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 quote

**GG 000048**

**duckblaster440-****6****Gold Sponsor**

IP Logged

Registered: 10-25-2005  
 Posts: 1067  
 From: OH  
 US

Posted: 2006-03-16 07:44

i think that i should get a copy too so that i can sit back and laugh at you guys.....  
 the last one kept me in stitches for days...☺

profile

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quote

**Wayne-Mask****WFC Sponsor**

IP Logged

Registered: 09-20-2001  
 Posts: 7155  
 From: TX  
 US

Posted: 2006-03-16 07:48

Interesting, many of the dislikes from Mr. Critical above (just kidding)are what makes this an excellent video.

The gritty, raw approach is what separates it from the run of the mill hunting video. If you're looking for perfect shots, no glare from the sun, etc., stick to OLN, where most likely much of the good stuff is left on the cutting room floor.

If you want a video that will remind you why we are all so darn passionate about waterfowling, grab this one from Sota.

Hey, it's a hunting video. Enjoy it for what it is.

profile

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quote

**Richard-Foxx****Field Editor**

IP Logged

Registered: 11-19-2001  
 Posts: 12176  
 From: MD  
 US

Posted: 2006-03-16 08:15

It was excellent.

I liked the Arkansas part, birds working, committing and dying.

Yep☺

profile

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quote

**MUDDOG****WFC Sponsor**

IP Logged

Registered: 07-29-2002  
 Posts: 19482  
 From: TX  
 US

Posted: 2006-03-16 08:48

Yep, I disagree with the gentleman who sliced and diced this film to pieces. Maybe he works for Popeil?

Anyway, the camera work (keep in mind, I've only watched the first 30 minutes) is FANTASTIC and sometimes INCREDIBLE!

You can't critique sunlight and black dots until you've had to lug your sh\*t into a mudhole and film a hunt. It is no easy affair.

Now then. Let's all be friends. I just think your critique was a little harsh, considering how hard it is to film a duck hunt (and have it turn out some good movie material.) For instance, you know sometimes its all about the daylight. If its too bright, your movie looks like crap. Little things like that.

Sota, I thank you for your compliments. I can't say strongly enough how AWESOME A JOB you and your guys did with this. Remember, mine is pretty much an unbiased opinion. And I've done this stuff. I feel your pain. Buddy the time and money you put into this is STAGGERING. I know, without having to ask.

I plan to call you in the days ahead to talk about it in more detail.

**GG 000049**

## MUDDOG

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## feet down



WFC Sponsor

IP Logged

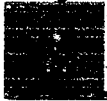
Registered: 09-01-2002  
Posts: 7149  
From: MI  
US

 Posted: 2006-03-16 09:59

Sota- why the footage of the fat kid with his pants down riding a stick pony through the decoys?

 [profile](#)  [edit/delete](#)  [quote](#)

## Wayne-Mask



WFC Sponsor

IP Logged

Registered: 09-20-2001  
Posts: 7155  
From: TX  
US

 Posted: 2006-03-16 10:01

I think he's trying to appeal to a large audience of people like Vogel.

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## Chris Vogel



Gold Sponsor

IP Logged

Registered: 11-17-2001  
Posts: 17916  
From: Pennsyttucky  
US

 Posted: 2006-03-16 10:08

Wayne you're getting seriously close to me coming to Texas and kicking your ass!

Either that or I'm gonna get someone to actually run against you in the next election!! 🍌🍌🍌🍌

 [profile](#)  [edit/delete](#)  [quote](#)

## Richard-Foxx



Field Editor

IP Logged

Registered: 11-19-2001  
Posts: 12176  
From: MD  
US

 Posted: 2006-03-16 10:10

Sota, I liked the side to side sliding transistions. Maybe a little too much of them but, did like it.

I would have liked to see the birds in closer a little better but it seemed to be a realistic hunting video.

Like Wayne said, I'm sure the majority of what the Duck Commander fils and others go's on the cutting rooms floor.

Length, not too long in my opinon.

On my copy, I had a hard time hearing the banter between all you guys. I could hear the camera man clear as day but the hunters were hard to pick up. And if I adjusted the volume to hear them then when the guns went off to dang loud.

I know this, ny boys and I sat there and watched and liked it.

My dogs keyed in on it and watched the birds come in and the shot go off. Kit stood up the one time staring at the screen.

I would like to see more of the close up stuff, here the birds talking back to you and hear your mindless banter.


GG 000050



All in all a very good first effort, not bragging about yourselfs like a lot of other vid's, different enough to my taste to make you stand out.

Good first project, can't wait to see your next.

 [profile](#)  [edit/delete](#)  [quote](#)

 Posted: 2006-03-16 10:16

## MUDDOG




WFC Sponsor

IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

My cat came walking through the living room about the time the dog started barking. His eyes got big, he pinned his ears back, and lowered his profile. He stopped and looked toward the stereo speakers like "WTF is that, a dog in here? About that time, he put it in low gear and peeled rubber into the back of the house. 🐾

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 Posted: 2006-03-16 11:55

## TrashDux



Gold Sponsor

IP Logged

Registered: 07-09-2004  
Posts: 1057  
From: MN  
US

Well...typical Jerkasses!!!

I was asked for an honest critique. I gave it. Maybe you jackholes neglected to read the disclaimer I posted...something like expressing my opinions and what I want to see in a video.

I'd love to sit here with you "lodge" guys and escalate this pi\$\$ing match...but I got geese to kill, and ya'll can remain here and laugh at each others lame jokes!

[Edited By TrashDux on 2006-03-16 11:57]

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## MUDDOG



WFC Sponsor




IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

 Posted: 2006-03-16 13:46

You're right. My apologies.

Come on back after you shoot some geese and let me buy you a beer?

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## Wayne-Mask



WFC Sponsor

IP Logged

Registered: 09-20-2001  
Posts: 7155  
From: TX  
US

 Posted: 2006-03-16 13:52

I got nothing but sometimes nothing is a pretty cool hand.

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## MUDDOG



WFC Sponsor

IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

 Posted: 2006-03-16 14:05

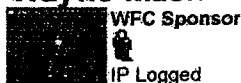
Wayne you have to understand Minnesotans. They're a fiesty bunch of people. They interact different than us Texicans. They scream and gripe at one another, but continue setting the decoys and enjoying the argument. Its just a different way of doing things. TrashDux was trying to convey to me, "I like you MUDDOG, shut your dam mouth, how's it going old buddy?"

GG 000051

Stuff like that...

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### Wayne-Mask



WFC Sponsor

IP Logged

Registered: 09-20-2001  
Posts: 7155  
From: TX  
US

Posted: 2006-03-16 14:11

Well, in that case, great review TrashDux. I appreciate your candor. You're a great man and a fine representative of the great state of California.

 [profile](#)  [edit/delete](#)  [quote](#)

### Chris Vogel



Gold Sponsor

IP Logged

Registered: 11-17-2001  
Posts: 17916  
From: Pennsylvucky  
US

Posted: 2006-03-16 14:17

I don't like Texicans or Minnysotians. Cept Chip. He funny!

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### Richard-Foxx



Field Editor

IP Logged

Registered: 11-19-2001  
Posts: 12176  
From: MD  
US

Posted: 2006-03-16 15:59

Nobody says we have to bow to you.

You have yer opion Trash and I have mine. Kinda like everyone's got an arsehole, some are just bigger ones if you know what I mean.

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### jasonmn24



Gold Sponsor

IP Logged

Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

Posted: 2006-03-16 16:08

thanks vogel. same to you.

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### Sota Smith



Field Editor

IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

Posted: 2006-03-16 16:38

I think all the feedback is valuable. I purposefully sent this DVD to several people hoping I would get feedback, and so far it is working well.

Things like this can be subjective--and we are no polished act like Foiles or Phil Robertson, but then again we did not set out to be.

The primary goal of this film is to entertain, not to instruct, or show how big our gentialia should be...

If the viewer walks away from the film, feeling that it had entertainment value--and is memorable because it different, and the IRS continues to allow our deductions for producing such videos in the future, it will be a success...

Not that I am quitting my day job.

I respect TrashDux's straight forward, direct manner of posting as well as his well written opinion of improvement oportunities he saw... that was the very reason I sent it to him in the first place.

GG 000052

I really appreciate all the posts on this thread, as well as PMs and phone calls I have recieved to share feedback—keep this thread going and your reviews coming...

 profile  edit/delete  quote

 Posted: 2006-03-16 16:40

**4curls**



Supporting Member

IP Logged

Registered: 08-17-2004  
Posts: 2266  
From: MN  
US

Nice to see Trash expanding from our MN forum....

if ya ask for honest..Trash will do that. You cant kick a man in the nuts for critiquing a video he was asked to dissect...Sota wanted an outside view for a video he plans to sell to the public, and thats what TD gave him, an honest review.

I hope to be critiquing it myself soon   the video that is 

 profile  edit/delete  quote

 Posted: 2006-03-16 21:30

**Ole-Anderson**



Field Editor

IP Logged

Registered: 07-29-2002  
Posts: 1428  
From: MN  
USA

Take it easy on MN's Trashie.

You may not like his brash attitude, but Trashie will outkill any of you old boys - he's one hell of a hunter.

And that's including me - and that's saying something.

You might like like it, but he and Mr. Lee are dyed-in-the-wool killing machines.

Pierce asked for honest opinions, and he got them - us MN boys will stick together!

Good luck this weekend Trash.



 profile  edit/delete  quote

 Posted: 2006-03-16 21:36

**Sota Smith**



Field Editor

IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

Dick,

You nailed some identified voice balance issues on the film, in fact in edit for the next wave mailing wave, I will bump up the volume (as much as I can without distortion or getting wind blast) Thanks.

As far as some of the missed shots (just a few), or cripples (then killed birds) those film segments were intentionally put in the video (could have always left em out)...

...partly because we wanted to convey that not all birds die cleanly, and all us tend to like our dogwork—maybe not for everybody, but the reality for us, is sometimes our dogs finish what we start.

MUDDOG, who has slogged more than a mile in our boots through the crap with a camera did point out one the hardest parts of outdoor filming...

**GG 000053**

... dirt, mud, sun flares, cattail fuzz, and condensation all do play hell with the camera lense and provide the filmographer some unique and frustrating challenges.


The feedback on the music is helpful, we were worried with some of the rave, rock, blues mix that it might be kind of disjointed—but hey, this is the music we scout, lay blocks, and after the hunt— drink some cold ones to...

The grittiness comments play into the intended style we were trying to achieve, guys who like to hunt waterfowl and have fun, not using the video as a infomercial to pitch calls, dekes, whatnot... normal working guys you might want to hunt and share a laugh with.

And probably the one thing Hard Gravity has that no other waterfowl (at least that I have seen) DVD has...

...a timber wolf in the decoys...

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 Posted: 2006-03-16 21:50

**Ole-Anderson**



Field Editor

 IP Logged

Registered: 07-29-2002  
Posts: 1428  
From: MN  
USA

Pierce,

That shot of *Canis lupus arctos* was excellent.

I've seen plenty of *Canis lupus*, but never a real Arctic wolf.

It was NOT a timber wolf, it was an Arctic wolf - a completely different sub-species.

I'd wager that there has never been a vid with a correctly ID'd Arctic Wolf.....*Canis lupus arctos*

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 Posted: 2006-03-16 21:54

**Ole-Anderson**



Field Editor

 IP Logged

Registered: 07-29-2002  
Posts: 1428  
From: MN  
USA

feetdown,

You have a thing or two to learn about us MN boys....

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**GG 000054**



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Author

Hard Gravity-Most Excellent!

**Richard-Foxx**



Field Editor

IP Logged

Registered: 11-19-2001  
 Posts: 12176  
 From: MD  
 US

 Posted: 2006-03-16 21:58

Sota, no problem my friend.

I liked it, you know my dogs aren't always 100%.

I saw the dog work and said "Hey, that's the typical dog"

Everyone miss's shot's. It is what it is. You wing 'em, knock 'em down and then take 3 shots to finish 'em.

Dude, nice start.

May the sun shine down upon your face and the wind be at your back in your future endeavors.

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**Sota Smith**



Field Editor

IP Logged

Registered: 02-01-2002  
 Posts: 3502  
 From: MN  
 US

 Posted: 2006-03-16 22:16

Thanks Dick,

Ole,

Yeah, you don't want to start poking us nords with a stick...Especially TrashDux...

Feetdown, SloughApe and Goosedowner are good guys just like Trashdux, and pounding cold ones right now, probably a bit more riled up than usual as they are headed out to land some steelhead...

One request for this post, guys, as I don't want to lose real candid objective feedback like Trashdux's, because he is trying to help me focus on potential improvements...

If someone has constructive or differing opinion I would really like to hear it/read it and have that person feel confident that the opinion will be read, discussed with

**GG 000055**

out this deteriorating into a pissing match.

I have tough skin, and can take some direct input (even some jabs and a haymaker)

If all I wanted were roses and kisses, I would have sent all 40 DVDs to my grandmothers or Gude.

While viewers may not like all parts of the video, so far the comments have been positive.

 profile

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 quote

### TexasAggie



Supporting Member  
IP Logged  
Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

Posted: 2006-03-16 23:10

Well, I have a lot of comments.

Sota, it was excellent work. I loved the video from start to finish. I really enjoyed viewing it and was honored that you asked me to review it. Its definately one of the best hunting videos I have ever watched.

Overall Greats- photography, video production, special effects, and great soundtrack.

Here are a few notes I jotted down as I watched it tonight. Mostly good stuff, but since I was watching with an intentionally critical eye, I did note a few small areas for possible improvement. Hopefully my criticism is constructive.

#### OPENING CREDITS

- I was on the edge of my seat at the beginning. Excellent suspense building with the video and music.
- Music- love it. Helped build anticipation
- Love the slow-mo effects mixed with sepia effect. Really builds the anticipation
- the opening shot where the bird hits the cameraman (you) is priceless.
- Maybe I missed it, but did you not introduce the dog(s) in the credits? His name needs to be in there. There is a big long shot of one of them right after the GG intro's. (Ok, I saw the dogs listed at the end.) (You might consider moving their credit to the opening)
- The opening credits did run a little on the long side. The definitions written on the screen were cool, but you don't need to put them on the screen twenty times. A little tedious, maybe? (Ok- I just realized there was a pattern to showing the definitions so many times, but it did make the intro drag on a ways.. I found myself asking "are we still in the intro or is this the regular film?" a couple times there.
- A little bit of mild profanity is all right. I thought I heard one F-bomb in there somewhere that you might consider editing out. It doesn't add anything to your content, but it might offend some paying viewers.

#### SODAK PORTION:

- loved the blind banter. Keep it up. You'll are some funny guys, eh?
- the shot of the wounded bird helo'ing down in on your blind needs a couple of instant replays in slow mo and super fast. Very nice.
- Camera work is just awesome, & I love the music mixed into the background. Great selections.

#### ARKANSAS PORTION

- In the middle of the Arkansas hunt you flash some words on the screen "Hostile Hawk, Targets," Etc. The words flash too quickly. You need to leave each phrase up there a couple of seconds, so the viewer can get it all. I had to rewind and watch again to really figure out what you were trying to communicate here. A

**GG 000056**

slightly larger font on the screen would help that too.

- When you get hit by the flying duck, show that shot again in super slo-mo. That is the best shot in the entire film.
- Lynard Skynard A+ + + PERFECT MIX OF MUSIC & VIDEO HERE.
- Needs more silly blind banter!. I want hear more of that yankee 'Sotan accent.
- One technique I REALLY like is the the way you go to slow-mo as soon as the bird folds in the air after being shot. It really allows the viewer to catch up with the action, and understand what happened.

#### SNOW GOOSE PORTION:

- good lead in music & opening shots. Nice videography & scene cutting.
- Unbelievable tornado shot. Awesome.
- Love the timberwolf on Hudson Bay.
- Unbelievable hunting, obviously.
- Some of the film shot from the moving truck of the fields is not viewer friendly. There is ALOT of fast in/out zoom (which is really hared on the viewer), a bit of bouncing around, and the in-focus / out of focus cycle due to movement in and out of the vehicle. You might trim those scenes to just show the scenes where you have good clear shots of the flock on the field- mix them with music & slow mo, perhaps?


#### CLOSING CREDITS

- Good music choice, and I'm not usually an AC/DC fan.
- Loved the dance moves.

Overall, great work. I loved it. Thanks for including me in your review team. Hope some of my comments can help your final product.

[Edited By TexasAggie on 2006-03-16 23:15]

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**TexasAggie**  
Supporting  
Member  
  
IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

 Posted: 2006-03-16 23:29

I specifically did not read this thread before watching the film, because I wanted to approach the matter with an uninfluenced judgment. But now I have read it, and will chime in on some of the the other critiques.

- voice balance issues- I agree, you could crank up talking and back off the music a tad bit.

- sun in the camera- Sure its not good, but what are you gonna do? You are making the movie with the footage you have.

- As for your shooting, that looks exactly like what I do- 3 shots to get the bird down and 3 to 10 more to finish him off. Yep, been there done that. I identified and empathized with that motiff clearly.

- the left/right screen wipe special effect cutting- I like it. The only thing you might do is slow down the wipe speed slightly, and then reduce the amount of time that the viewer is seing only black screen before he sees the next cut sliding in. Maybe less than a second of just blackness would be good?

**GG 000057**

[Edited By TexasAggie on 2006-03-16 23:33]

[Edited By TexasAggie on 2006-03-16 23:36]

### Sota Smith



Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

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Posted: 2006-03-17 05:43

TexasAggie,

Man, thanks for the excellent and thoughtful feedback. I appreciate the thought, detail into it...

For the record, the cameraman who got hammered with a big drake mallard in face was Jeff Howard...Jeff is a big man, and that bird dam near drove him to his knees...

He actually had a (shiner) black eye for a couple of days after, from the eyepiece being driven into his noggin...

As sympathetic DrakeSlayer told him after it happened...It would have been far worse, Jeff, if you had dropped our new pro grade camera video camera in the swamp.

It must have been a traumatic event, as sometimes on long trips, we hear Jeff weeping in his sleep and he will often wake with night terrors

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### Sota Smith



Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

Posted: 2006-03-17 06:22

Next "Volunteer Reviewers mailing wave will include:

Jungle Jim (Sorry you had to wait, Jim—I mixed up your house number on the label, so they said it was "undeliverable" this was before I left town on Monday, will be home tonight—I will try to FEDEX yours—)

PotomacDuck  
Chris Vogel  
WhistleBritches  
MACHINE  
KJNlog  
mazoniacutem  
DuckDogsFly  
James-McClenahan  
4curls  
IR1SH  
sugar  
duckhunter220  
jasonmn24  
Noducks  
Thomas Quinlen  
Feetdown

I reserved on for Nat-Dudka as requested (need an address, bro.)

Again, please comply with the copyright (no reproducing or broadcasting) and after you have viewed the video, please post on up...

**GG 000058**



I appreciate all the feedback—you guys are delivering big time, and this is helpful to Eric and I...

There are just a few copies left. 1st come 1st serve

profile

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quote

Posted: 2006-03-17 08:56

## MUDDOG



WFC Sponsor

IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

Sota,

I haven't seen the entire movie yet but I do have to get something off my chest.

There was an overly-chatty sparrow in the background while you guys were hunting in Montana. I found myself defacating in my pants over and over listening to this particular bird. Also, I noticed a flock of crows flying in the background after one of your kill shots. Please keep in mind this is not in any way intended to insult the movie or the ineptitude of the producer and camera operators, let alone the hunters.

- TrashDux

profile

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quote

Posted: 2006-03-17 09:04

## TexasAggie



Supporting Member

IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

MD-

You are welcome Sota. Really enjoyed doing it.

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quote

Posted: 2006-03-17 09:58

## 4curls



Supporting Member

IP Logged

Registered: 08-17-2004  
Posts: 2266  
From: MN  
US

YES.....I WON ha ha!!!

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edit/delete

quote

Posted: 2006-03-17 09:59

## Jungle Jim



Supporting Member

IP Logged

Registered: 09-21-2004  
Posts: 4207  
From: VA  
US

Sota: Haven't seen it yet, but I think you have already made a mistake. You should have requested "reviews" via PM.

Really critical comments are what you need to hear. The public scrutiny may have a chilling effect.




Conversely, everyone will start picking on the same thing they have read about.

I can see this turning into a public debate on each reviewer's comments rather than constructive criticism/praise.

I remain unaffected since I freely provide my opinions on training dogs, kids, and wives even when not asked. My forte is financial advice and advice to the lovelorn.

GG 000059

My weakness is music. I rarely have a clue what these guys are talking about when they bring that subject up. All I know is I hate it when it is too loud to hear the guys talking!

 profile  edit/delete  quote

 Posted: 2006-03-17 10:35

## MUDDOG



WFC Sponsor



IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

Serious post:

Sota,

Great job. Downright amazing job, to be honest.

It feels like a fork in the neck when people openly evaluate my movies, especially the guys who are IN the movie. So I know how you feel.

Anyway, having seen only the first half of your fantastic movie, I have only one suggestion. And that's IF you plan to market or sell the movie.


The opening segments and clips are somewhat repetitive. The opening credits and graphics are also somewhat repetitive. Don't get me wrong, they look and sound GREAT. They just run a little too long into the movie, in my opinion. Like TexasAggie indicated, there was a point early in the movie where I asked myself if this movie was going to be a series of clips, or if it would eventually level out and show some more or less "live" hunting situations. I wasn't sure if, or when it would come to that point. If finally did, and once again I thought the footage and editing were top notch during those early scenes. I had to stop the movie during the first hunting scene in South Dakota. Shortly after you guys move from the open shore into the grassy cover. That's where I had to pause the movie. I can't wait to see the rest of it.

One more thing (I also plan to call you after I see all of it).....I don't know how costly it would be for you to make changes to the movie. It may be a breeze, or it may set you back financially and time-wise. If that's the case, you have a product ready for the shelves if you ask me. Its good to go. The only changes I would make (if not too much of a pain) is to whittle down the opening credits and scenes. Some of the slow motion clips in the intro seem to cause the movie to drag, or bog it down, from an entertainment perspective. It might be if you removed just a couple of the slow motion scenes in the intro, you could save all the graphics. One last thing. There's too much information about LLC, production companies, FBI, all rights reserved, etc during the intro. Put what you HAVE to in there and trim the rest out, or move it to the END of the movie. This bores people to read all the legal/production mumbo jumbo.

I hope you can take the feedback, coming from a fellow movie-making buff!

I'll call you

 profile  edit/delete  quote

 Posted: 2006-03-17 11:10

## Jungle Jim



Supporting Member



IP Logged

MUDDOG: I think you are being too hard on the guy.

GG 000060

Registered: 09-21-2004  
Posts: 4207  
From: VA  
US



profile edit/delete quote

Posted: 2006-03-17 11:15

**Richard-Foxx**



Field Editor  
IP Logged

Registered: 11-19-2001  
Posts: 12176  
From: MD  
US

I believe that is what I stated as well MudDog. My boys kept asking is this gonna be the whole movie?

All in all good job.

profile edit/delete quote

Posted: 2006-03-17 12:21

**TexasAggie**



Supporting Member  
IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

Jim, Sota asked for public commentary on this thread, and those are my exact notes taken while watching the film. I agree with Muddog- overall its an A+ product. These other points are just minor things that could or could not be tweaked based on your tastes, or if its worth it.

profile edit/delete quote

Posted: 2006-03-17 12:23

**TexasAggie**



Supporting Member  
IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

Dear Sota,

The scenesth of the GanderGunman dancing with Richard Simmons and RuPaul were absolutely fabhhhhbulous. Jusfst too die fhor..... Do ya think you could play them back in slo-motion, big guy?

Signed,  
SloughApe.

profile edit/delete quote

Posted: 2006-03-17 15:10

**Sota Smith**



Field Editor  
IP Logged

*Canis lupus arctos*  
Thanks, Ole. I will make sure that that "ID Tag" on that segment is changed.

GG 000061

Registered: 02-01-2002  
 Posts: 3502  
 From: MN  
 US

Arctic wolf sounds even more unusual than timber wolf. Quinn kept trying to put a tritronics collar on it—in our next video we are calling him, "Lefty".

MUDDOG, I will be looking forward to your call after you had a chance to view the whole thing.

This video **WILL** be going to market. Any change can be made to it now is not expensive—as it was all edited by me, so I can change modify delete it at anytime as all of it is on two of my video editing computers, so I can make the changes and rebum the new version.

This process of having reviewers and BETA copies is purposeful—several directors will do "audience testing" before going to a final print/mass production.

I watched the video on the flight home this afternoon with all the feedback given so far, and I found myself agreeing with the majority of the comments made.

I am going to re-edit the beginning—with a focus to shorten it ( especially all the company LLCs leads in...

All these suggestions are very valuable, and provide me with a "fresh eye" in which view the film, and try some re-edits.

Jim,

One of the reasons Eric and I wanted to use a thread, vs. PMs is it is more consolidated and easier for both of us to read and respond to than PMs...

But I agree, if someone would rather send more sensitive constructive criticism, feel free to send a PM, I think all the comments made here were in the spirit to help me make the best possible waterfowl video, with the components I have, not to insult...


Reinforces why I sent it to your guys—you all have helped me consider tweaks that will ultimately make this DVD even more successful...

[Edited By Sota Smith on 2006-03-17 15:13]

 profile  edit/delete  quote

**James-McClenahan**



Field Editor  
 IP Logged

Registered: 08-03-2001  
 Posts: 3433  
 From: MD  
 US


 Posted: 2006-03-17 19:01

Sota thank you-will be looking for it in the mail!!**THANK YOU**

 profile  edit/delete  quote

**Sota Smith**



Field Editor  
 IP Logged

 Posted: 2006-03-19 17:32

I made some slight changes to this next BETA version of "Hard Gravity" Volume One, mainly on the comments that the beginning of the video was too long, I streamlined the first part.

**GG 000062**

Registered: 02-01-2002  
 Posts: 3502  
 From: MN  
 US

I am halfway through burning the second wave of DVDs to be mailed out to testers this Monday.

I do have a couple (2-3) more DVDs available for review. Just PM before Monday morning (tomorrow) if you would like to watch and post your thoughts...

 profile  edit/delete  quote

## jasonmn24



Gold Sponsor  
 IP Logged

Registered: 07-04-2004  
 Posts: 3886  
 From: MN  
 US

Posted: 2006-03-19 17:41

what is the legallaity (is that even a word?) with having all of the legal stuff, like do not copy, blah, blah at the end of the DVD? always hate having to fast forward through it on regular movies.

 profile  edit/delete  quote

## Thomas Quinlen



Supporting Member  
 IP Logged

Registered: 12-27-2001  
 Posts: 482  
 From: TN  
 US

Posted: 2006-03-19 23:00

Copyright subsists at the moment of creation - about the only thing I remember from my copyright class. Basically, it doesn't matter if you put your copyright information at the beginning, end, or nowhere, because the copyright in your work is a "right" you have to reap the benefits of your creations. There are exceptions, as with any rule, and copyrights can be recorded and are often stated, but they don't have to be.

As I recall, the main reason for putting the (C) on something or saying in a film that it cannot be copied is so that no one can claim they didn't know. In any event, commercial gain from a copyright violation would likely lead to a damages award, whatever the circumstances.

AND I AM PSYCHED TO BE IN THE NEXT WAVE OF REVIEWERS! 🍀🍀🍀

[Edited By Thomas Quinlen on 2006-03-19 23:00]

 profile  edit/delete  quote

## Sota Smith



Field Editor  
 IP Logged

Registered: 02-01-2002  
 Posts: 3502  
 From: MN  
 US

Posted: 2006-03-20 21:42

PotomacDuck  
 Chris Vogel  
 WhistleBritches  
 MACHINE  
 KJNlog  
 mazoniacutem  
 James-McClenahan  
 4curls  
 IR1SH  
 sugar  
 duckhunter220  
 jasonmn24  
 Noducks  
 Thomas Quinlen  
 Feetdown  
 Nat Dudka  
 GUDE

GG 000063

(and maybe even greenheadguy and DuckDogsFly if they get a mailing address before mail time)

Your DVDs have been packaged and labeled, (and per the CFO and mailroom, my wife) of GanderGunman Production Company LLC should be sent in tomorrow's (3/21) mail.

This has been an exhausting, time intensive undertaking, and I really appreciate you folks devoting your own time in this endeavor—I am working on the Executive Producer for some Tshirts or something for the production company, which includes our reviewers...We will see...

 profile  edit/delete  quote

### Sota Smith






Field Editor  
IP Logged  
Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

Posted: 2006-03-20 21:45

The copyright protection disclaimer in the front of any reserved/copyrighted material might chap some folks' \*sses, but at the end of the day, it is because of the overwhelming degree of piracy, that such disclaimers disclose the rights of the owners in the event a breach should occur.

Why God invented a fast forward button..

 profile  edit/delete  quote



### jasonmn24



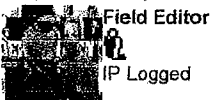
Gold Sponsor  
IP Logged  
Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

Posted: 2006-03-20 22:42

thanks again sota. the most wonderful fast forward button. 



 profile  edit/delete  quote

### Sota Smith



Field Editor  
IP Logged  
Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

Posted: 2006-03-20 22:53

Yeah my man,—just remember that is for the the disclaimers—not the rest of the DVD  

 profile  edit/delete  quote

### Slough Ape



Gold Sponsor  
IP Logged  
Registered: 12-07-2001  
Posts: 7857  
From: OH  
US

Posted: 2006-03-21 10:58

Okay Sota. Here goes.

On an LCD 50" high def tv,

I watched it in one sitting last night, with a pad of paper and a pen firmly in hand.

I really liked it. Very original.

Great stuff:

#1 for me was the scenes that "dropped back to slow motion/yellow tint/reprisal of mini scene"

Music choice was off the hook.

**GG 000064**

Visual "definitions" were cool. Hudson Bay footage. Camera angles in FRONT of the shooters. Arctic Wolf.

Really good stuff:

Face paint. Slow motion kills. 6-7 shots to dispatch AK cripple. It showed reality, sportsmanship and good dog control. All the dogs in general were shot well on film.

Hawk vs. duck hunter, very unique.

What I found to critique ( and I mean very constructively):

I would have loved to see more human interaction concerning the sacrifice of the pole barn sleeping quarters. Show people how really hard core you guys are.

I want to get to know the Hollywood mallard cook a few seconds longer, he looked like a real character, fun!

You might try to edit the time between the kill shots and the birds hitting of the water, on the higher flying ones. Following them all the way down creates a distorted image because the camera loses focus and is searching to refocus. It was not a problem on the birds that were shot closer to the ground or water, though.

I think the time it takes from the intro of all hunters to the real meat of the hunting could be a bit shorter.

I would delete the commentary about the second camera. Keep em guessing and dazzled.

Camera stability and sound are obviously a real challenge for any filmmaker. Hard Gravity was more consistent in sound than a lot of videos, home and pro that I have watched.

I would have loved an intro to the dogs, names, ages, owners.

I have never made a film and can't imagine the frustrations and challenges. For that alone I applaud your work. I feel honored to have been asked for my opinion. I was so proud to tell my son and wife last night that I had been chosen to critique someone's creative venture. Thank you!

I hope you guys make it BIGTIME!

[Edited By Slough Ape on 2006-03-22 10:07]

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Wetland Conservation

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USER KEY

GG 000065



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 **Post A Reply**

Index >>  Online Lounge Open Forum >> Hard Gravity-Most Excellent!


Go to page 1 2 3 4 5

Author

Hard Gravity-Most Excellent!

**TexasAggie**

Posted: 2006-03-21 12:04

 Supporting Member  
IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

Dear Sota,

There weren't enough gay people in your movie. What are you, some kind of bigot? Think Richard Simmons in a duck blind, come on!

Regards,  
SloughApe

 profile  edit/delete  quote

**IR1SH**

 Gold Sponsor  
IP Logged

Registered: 08-15-2002  
Posts: 11208  
From: NE  
US

Posted: 2006-03-21 12:21

Sota

Thanks Man! I'm looking forward to reveiwing the dvd!

 profile  edit/delete  quote

**duckdown1**

 WFC Sponsor  
IP Logged

Registered: 10-06-2003  
Posts: 6853  
From: IN  
US

Posted: 2006-03-21 12:39

I haven't seen it. But I know they are very difficult to make. I think the equipment you use has a lot to do with it.

 profile  edit/delete  quote

**Slough Ape**

 Gold Sponsor  
IP Logged

Registered: 12-07-2001  
Posts: 7857  
From: OH

Posted: 2006-03-21 13:10

Dear Sota,

I feel week and intimidated by your brash nature. You guys are just too hardcore and cool for me. After watching your movie, I sat in the corner with an adult diaper on and sucked my thumb in the fetal position, for an hour. All

GG 000066



US

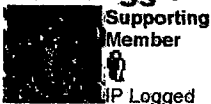
that violence was disturbing to me. I don't like loud music, AC/DC, and harsh intense guitar and hurtful lyrics. I want Frank Nagy to hold me...

Sincerely,

TexasFaggie.

[Edited By Slough Ape on 2006-03-22 10:03]

**TexasAggie**



Supporting  
Member  
IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

profile edit/delete quote

Posted: 2006-03-21 13:56

I want Frank Nagy to hold me...



profile edit/delete quote

Posted: 2006-03-21 13:57

**TexasAggie**



Supporting  
Member  
IP Logged

Registered: 11-29-2003  
Posts: 5742  
From: NC  
US

profile edit/delete quote

PS- Scott your spelling sucks today.

**jasonmn24**



Gold Sponsor  
IP Logged

Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

Posted: 2006-03-21 16:01

clickitis is running rampant today

profile edit/delete quote

**jasonmn24**



Gold Sponsor  
IP Logged

Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

Posted: 2006-03-21 16:02

clickitis is running rampant today. 🌐 Good thing i am not an english major. 🌐

Waiting for it. going to enjoy it i hope.

profile edit/delete quote

**Sota Smith**



Field Editor  
IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN

Posted: 2006-03-23 06:05

Thanks Slough Ape for your review.

I was curious, on your high tech 50 inch LCD TV (and I am guessing surround sound system)

GG 000067

US

How did the video quality and aspect resolution hold up hold up on your fancy rig? Was the picture stretched? Did the surround sound stereo sound ok?

I am also curious for those who viewed the DVD so far, what sort of equipment did you view it on, and from a purely technical standpoint how did the picture quality, aspect ratio and surround sound work...

I am assuming the DVD loaded and played ok for everybody, but if there were issues like skipping or other stuff, I would like to confirm that. Thanks!

Chip (MNMallardMan)and CEST-BON check your PMs, compadres.

 profile  edit/delete  quote

sugar



Gold Sponsor



IP Logged

Registered: 01-18-2003  
Posts: 3136  
From: WI  
US

 Posted: 2006-03-23 15:27

All right, first of all let me say thanks for letting me preview and critique your video. It is an honor for me to look at something that someone has put their heart and soul into. I don't believe I would have the stones to withstand the scrutiny of my fellow hunters.

That bieng said, let me start with the things that I liked about the video.

Number one for me is the dog work. I could watch an entire video of nothing but labs making retrieves. My favorite part of the whole film was when the dog rears up and dives on the duck in the "Cypriss Break" portion.

Second, I love the banter between all the guys. I would like to have seen more of it in fact.

The music was great. Well done. For the most part it fit well with the hunting sequences. I really liked the "Swamp Music" portion.

The kill shots were sweet. Next to dog work the kill shot is king, in my book.

I loved the pre-hunt commentary in the "Snowgoose Madness" segment. I would have liked more of this throughout the entire film. To me, it gives the viewer a feel for the attitude of the hunters involved and sets the tone for the upcoming action. I love the laid back good natured manner the guys had.

In the "White tornado" segment I especially liked the scenes that showed just the gun barrels sticking out of the layout blinds. This was a unique "style" of scene. It worked.

The closing credits were very cool. Love the AC/DC.

Now, the things that I thought could use some "polish". Keep in mind that I am not in any way bashing the movie. These are just things that I think could improve.

The intro to me was a little drawn out. I was eagerly anticipating the "meat" of the film and it seemed a long wait.

In the Sodak portion there seemed a lot of blurry/bouncy camera work. This did get better as the film went on.

My screen was showing a lot of vertical streaks/lines during the slo-mo shots

GG 000068

in the Sodak portion. It was only during this portion, however.

Also, during the "white tornado" segment there was a lot of blurry zoom in/out scenes that I feel could be edited out perhaps. I realize that you were trying to show the size of that particular flock, but it seemed a lot of bouncing around to me.

Now, I hate to get nitpicky, but you misspelled "Arctic" wolf. You had it spelled "Artic."

All in all a great movie. I really loved it Sota and thanks again for sending me a copy.

 profile  edit/delete  quote

 Posted: 2006-03-23 16:11

### Slough Ape



Gold Sponsor

IP Logged

Registered: 12-07-2001  
Posts: 7857  
From: OH  
US

Surround sound was great. Picture quality was great. I can change the aspect ratio of my picture so I chose to view it in 4:3 expanded. Basically this takes the regular 4:3 typical box shape of a TV picture and expands it to fill the 16:9 screen I have, like a moves screen, wider than it is high.

Everyone looked the same, the way it should be.

In a few years all your regular TV signal will be streamed in 16:9 not 4:3. This is to enhance the quality from a high definition signal.

Sota, No problems at all.

 profile  edit/delete  quote

 Posted: 2006-03-23 17:30

### DUCKHUNTER220



WFC Sponsor

IP Logged

Registered: 11-07-2001  
Posts: 267  
From: OH  
US

Just got done watching it. I watched it on my computer, can't wait to get home & watch it on a bigger screen.

I LOVED IT!

Just the right length, an oil can of Labatt's got me right to the end.

My 10 week old chessie is here in my office with me and she says it needs more dog barks!

I think you did a great job and I think it's ready to sell. It's tough, it's gritty and it's real! Too many videos & shows are just killin and watchin em fall. I think more of us waterfowlers enjoy the time spent with friends while pursuing game and watching our dogs work and thats one of the neat things about your video. Someone posted about our passion for waterfowl & I think this film captures that.

**GG 000069**

The cameraman getting hit was classic!

Like others have said I really enjoyed the banter between you guys, coulda

been louder but I know it's tough to get film and audio perfect when your out in the field, I wish there was more of it shown.

I think you should have included more of the Hollywood Mallard episode if you could have, or maybe you put in just what you wanted to. I enjoyed it, makes me want to go to duck camp right now.

The time spent with friends and dogs are what make waterfowling special for alot of us.

I enjoyed watching the dog's work, you definitely need more dog time in the next one.

And you should do another one, you need to spend the whole duck season on the road, Canada to Louisiana and make another one or two. I'll drive!

Really great job! And THANKS!!

SHOOT FAST...SHOOT STRAIGHT...SHOOTEM IN THE LIPS!

 profile  edit/delete  quote

Posted: 2006-03-23 19:18

Needs mud motors and Argo action video shots, and edit out the Arkansas parts and you got yourself a winner.  
Glad to see someone on this site actually knows how to hunt, very impressed.

 profile  edit/delete  quote

Posted: 2006-03-23 19:27

I impatiently wait for my copy to arrive.

I know its a long way from Minnesota to Texas.DAMN are they bringing it on the pony express?

 profile  edit/delete  quote

Posted: 2006-03-23 22:21

Slough Ape—  
thanks for the "techno411", it is good to heard that the DVD is running well, and the both the audio and viseo aspect works on higher-end equipment like yours—thanks!

sugar, great review, thanks amigo!

Also, duckhunter220—thanks man, great feedback as well...

I am reassured by the fact that the majority of the folks here who have donated their time to view and review "Hard Gravity" do not know us—let alone have ever met us—, or gunned with us, The GanderGunmen.

### No ducks



WFC Sponsor

IP Logged

Registered: 12-14-2001  
Posts: 7695  
From: AR  
US

### WhistleBritches



WFC Sponsor

IP Logged

Registered: 01-15-2005  
Posts: 3270  
From: TX  
US

### Sota Smith



Field Editor

IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN  
US


GG 000070

Your postive feedback, as well as constructive input has been extremely helpful and quite frankly has been a reconfirmation as well as re-energized us on what we originally set out to do on this project—

Thanks!




No ducks—thanks for the compliment, bro-I meant it.—unfortunately the Arkansas segments are the best—we need 'em bro...

 profile  edit/delete  quote

 Posted: 2006-03-23 22:25

suager—great cartch on the misspelling of "arctic wolf", I appreciate it, bro.

Whistlebritches, I am guessing either tomorrow (Fri) or Sat for you, bro...

 profile  edit/delete  quote

### Sota Smith



Field Editor

IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN  
US


### No ducks



WFC Sponsor

IP Logged

Registered: 12-14-2001  
Posts: 7895  
From: AR  
US

 Posted: 2006-03-23 22:25

I feel lucky to get my copy Sota, you forgot to put the zip code with it.

 profile  edit/delete  quote

### Sota Smith



Field Editor

IP Logged

Registered: 02-01-2002  
Posts: 3502  
From: MN  
US

 Posted: 2006-03-23 22:29

No ducks,

Me lucky...I was labeling like 22 DVDs late that night while trying to pack for a last minute work trip.(I went to the East Coast a couple hours later, and left Mrs. Sota to mail them out.)

Did the DVD arrive (mail) pretty intact (no major damage?)

Sota

 profile  edit/delete  quote

 Posted: 2006-03-24 00:37

recieve the "special" package today. watched it about 3 times. first time i watched i didnt have the sound up. it seemed that some of the scenes were alittle jumpy. have it flow. the first couple of times i watched it on a laptop so the picture wasnt as good as if i watched it on t.v.

nice kill shots, not over done like some other DVD's i have seen. the slow-mo scenes werent too bad. i liked how you had the dogs in the movie retrieving. they should be part of the movie. also, not too many dvd's actually have this. they are all about the kill shots.

I liked the "grips and grins" after most of the scenes. maybe show alittle more on what you used for your snow goose decoys and even type of ammo and guns you were using, maybe even the calls. like snow goose hunting, tell us

### jasonmn24



Gold Sponsor

IP Logged

Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

GG 000071

people that never done it what kind of call you were using. maybe another idea for another movie?

nice start on this movie. the introduction wasnt too bad. at the end i liked how you introduce the important part, the dogs. nice music, different taste, i'm not complaining at all. Enjoyed the AC/DC at the end. using the over/under as a music instrument. 🎵

All in all, good movie. enjoyed the hudson bay hunt. not too many show waterfowl hunts from there. nice snow goose action. wish i was there to enjoy it. thanks for the shout out at the end. i hope my opinion helps out alittle bit. Thanks sota for the viewing of the DVD.

 profile  edit/delete  quote


### IR1SH



Gold Sponsor

IP Logged

Registered: 08-15-2002  
Posts: 11208  
From: NE  
US

 Posted: 2006-03-24 07:27

HOLY CHIT! THAT ROCKED! I'll write a more detailed review later today!

 profile  edit/delete  quote

### mazoniacutem



Gold Sponsor

IP Logged



Registered: 11-25-2001  
Posts: 4945  
From: IL  
US

 Posted: 2006-03-24 11:41

Sota- I loved it. Viewed on big screen with surround sound system. It was like being there. It always amazes me how much we waterfowlers are alike. The hunters in this could have just as easily been me and the boys.

Only suggestion is that on occasion you put up some text and it disappears too fast, I am a slow reader.

Thanks again Sota, I think you have a winner. 🎵

 profile  edit/delete  quote

### Chris Vogel



Gold Sponsor

IP Logged

Registered: 11-17-2001  
Posts: 17916  
From: Pennsylvucky  
US

 Posted: 2006-03-24 14:56

Trying to watch it today here at the office on my portable DVD player. Not getting to watch much of it. So far it looks great!

I must say though that I thought the introduction was to long.

That's dang near all the further I got viewing it so far! 🎵

 profile  edit/delete  quote

### Disco Duck

Supporting Member

IP Logged

Registered: 08-10-2005  
Posts: 75  
From: PA  
US

 Posted: 2006-03-24 15:01

That explains alot!

 profile  edit/delete  quote

### jasonmn24

Gold Sponsor

IP Logged

 Posted: 2006-03-24 15:05

GG 000072



Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

vogelmaster, they invented the fast forward button for a reason.



profile



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quote

## MUDDOG



WFC Sponsor  
IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

Posted: 2006-03-24 15:07

I'm still shocked how good it is. A lot better than I was expecting. I've got a short movie about done, but it doesn't hold a match to Hard Gravity.



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GG 000073



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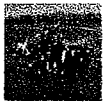
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Author

**MACHINE**



Gold Sponsor

IP Logged

Registered: 03-01-2002  
Posts: 1886  
From: OK  
US

**Hard Gravity-Most Excellent!**

Posted: 2006-03-25 16:23

Sota I guess I am the "ODD MAN OUT" I like the long intro for some reason ,  
the DVD played great in my chepo depo DVD player and the sound was GOOD,  
for me it puts faces with names and real feel to the hunt not a "canned hunt" feel  
that a lot of DVD'S have .

the only thing I might have changed was less stop/slow motion action , but Miss  
Tonia like the slow mo ,, go figure ,,

it is a well put together DVD and should sell IMHO ,

I am going to watch it again after the Bush race today .

THANKS for the DVD it will be shown often during hunt'in season when I have  
guest over ,, IE Doc J and Urbanduckman , and many others .

Looks like ya'll have FUN and that's what's it all about

THANKS

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Posted: 2006-03-25 16:33

**jasonmn24**



Gold Sponsor

IP Logged

Registered: 07-04-2004  
Posts: 3888  
From: MN  
US

the only thing I might have changed was less stop/slow motion action

one thing that i didnt like either that i forgot in my post, was the stop then slow  
motion part. some slow mo is fine i think.

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Posted: 2006-03-25 16:39

**James-  
McClenahan**

Field Editor

Hey I get to be #100! First let me repeat-thank you very much for the video! Here  
are the notes that I took from watching the movie. First impression-I liked it! I

**GG 000074**





IP Logged

Registered: 08-03-2001  
 Posts: 3433  
 From: MD  
 US

thought it was well done, held my interest, and was a little different from other hunting videos.

I thought your use of definitions was ok but didn't need to be repeated-served no real purpose. Didn't like the slide in's-could you slide in another picture rather than a blank space?? I thought you should have introduced the dogs as they came on the video-we all love the dog work and may be as interested in them or more than the other hunters??

Part one has some awesome footage of ducks up close and in your face. I didn't think that the sun was much of a problem. Do have a question-did I miss the shooting of the geese that were being held in segment ones comment; I don't recall any geese being shot. I loved the overview of your layout-very well done. Arkansas 2 step-I thought the use of visual words was a good idea-why not point to the hunters and give their names during the video?

Cypress Break-Excellent footage of some great dog work; to some this will be the best part of the video! The duck hitting the hunter in the head-priceless!

Snowgoose madness Great pics of thousands of snows in one place, very good shooting by the hunters but I have to say I was dissappointed here. I thought we were going to see the tornado-yes we see it in the distance but I was really hoping we were going to be under the tornado itself. To be under the tornado is a site that most hunteres have no idea what it is like- the noise, the smell, the birds landing all around you and yet you haven't taken a shot-now that would be priceless!!

My only other suggestion would be that if you are serious about selling the video you might want to check the language and cut out drakeslayer cupping himself; didn't bother me but it might others. All in all I enjoyed the video very much, watching others have a blast is what it's all about! You guys have fun and it shows-thats what separates this video from others.

Again thanks  
 JIM

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## WhistleBritches



WFC Sponsor



IP Logged

Registered: 01-15-2005  
 Posts: 3270  
 From: TX  
 US

Posted: 2006-03-25 20:19

Pierce, Thanks for giving me the opportunity to view Hard Gravity pre-release.

Dude I dug the intro, yea it may have been long but I liked it. It was fresh, something different. So many waterfowl videos all start out the same these days. They show 3 kill shots and the film starts. You see those same 3 kill shots 25 times during the film. The whole film was very unique.

Sodak, you guys hunt often together and it showed. Good sense of humor among your group, just makes this segment that much better. The music was great in this section.

Arkie, didn't really get all the stuff flashing on the screen. Maybe you should keep it up there longer or do away with it altogether. The music in this segment is also awesome. My wife walked in the den during this segment and asked what I was listening to. She left after the Skynard tune. The kill shots were fantastic. That's something no film can have enough of. Same with the dog work. I could watch that over and over again. The best part is the bird hitting the cameraman. I would not only replay that part I would replay it at the beginning of every segment. That is hilarious. Lots of folks forget about the guy behind the camera. Nothing better than having him get wacked by a bird during filming.

Snowgoose, the tornado shots were awesome. I would have preferred to have seen the cameraman underneath them. Honestly though I'm not sure how many people have seen them period. The shooting was great as was the wolf

GG 000075


scene. The footage from the truck needs a little work. It really made for some eye strain.

The closing was great. I love the AC/DC at the end. Brother you can bust a move too. LOL

Overall, I loved it. I thought you produced a very unique product. Good kill shots and dog work score way high in this film. I would like to see a little more in the waterfowl education department. How your setup and why. I would like to hear a little more from the guys in the group. The more banter the better, especially if you had a guy like Whistlebritches to keep everyone laughing. LOL. Maybe you can, would love to have some Texas footage on Hard Gravity 2.

Peirce, hats off to you and your compadres. Good job brutha.

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 Posted: 2006-03-26 17:38

**greenheadguy**



WFC Sponsor

IP Logged

Registered: 07-29-2002  
Posts: 109  
From: MN  
US

Sota.....I'm speechless. You are the Quentin Terantino of waterfowling. First, I need to thank you for getting me a copy at the last minute. Greatly appreciated man.

On to the review:

I wasn't sure what to expect going in so your whole approach caught me a little off guard. But, once I caught on, I really got into it and enjoyed it quite alot. Since the film has already been broken down numerous times in the other posts I'll keep it brief. I think the different cameras, the use of black and white, slo motion, instant replay, where all very good. My favorite by far though was the "gravity cam". I liked the intro, (very original) but it did drag on a bit as has been mentioned. Too many side slides as mentioned also. The music was pretty good as well, esp. Lynard Skynard while in the cypress swamp. I did find myself hoping there would be a break in it to get a little of the natural sounds of the hunt. Calling, dogs splashing, etc. etc. The snow goose stuff was probably the best and the worst of the film. I love to see snow goose footage period, so I naturally was into it. Only complaints were with the camera work in Nebraska, had to run and find some Dramamine. My head was spinning a bit following the birds out the truck window. and I didn't really follow the action on the tundra. There were good kill shots but we saw very little else besides the wolf. Maybe just a little more setup here would have been helpful. The closing was good, love the AC/DC.

Overall I think you accomplish very well what you intended to do. One part Ducks Unlimited, one part MTV, and a whole lotta Sota. My grade B+

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 Posted: 2006-03-26 19:04

**shawn boudry**



Field Editor

IP Logged

Registered: 09-14-2005  
Posts: 403  
From: WI  
US

how does a person acquire a copy? dvd or regular format.

take your kids hunting , so you don't have to look for your kids.

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 Posted: 2006-03-26 19:51

**feet down**

WFC Sponsor



IP Logged

Critically, the first thing I didn't like was the footage of the geese on the ground from the moving truck. It seemed long and redundant.

**GG 000076**



Registered: 09-01-2002  
Posts: 7149  
From: MI  
US

I loved the slo-mo, but it did get a little tedious at some point. Same thing with the slides. The soundtrack music by and large was different and refreshing. I was bummed out to hear Skynyrd- seems like a waterfowling cliché, then again their appeal has always been lost on me.

There were a couple points in which it almost seemed like a music video- the soundtrack over-powered the action a little. But please take that lightly because the value of new, refreshing sounds over a waterfowling piece FAR outweighs the criticism.

Otherwise, I was very, very impressed. And I'm a critical motherflubberer. It was indeed gritty and raw.

Thank you Sota for sharing your crazed genius.

profile edit/delete quote

Posted: 2006-03-27 06:32

## MACHINE



Gold Sponsor

IP Logged

Registered: 03-01-2002  
Posts: 1886  
From: OK  
US

Feet the reason you don't catch on to the Lynard Skinard is you was raised a YANKEE LOLOLOL

move down here for a few years and you will understand it better

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## feet down



WFC Sponsor

IP Logged

Registered: 09-01-2002  
Posts: 7149  
From: MI  
US

Posted: 2006-03-27 06:48

In hindsight, perhaps its the perfect choice for the locale.

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## MUDDOG



WFC Sponsor

IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

Posted: 2006-03-27 09:53

I never made a full review, so here it is.

The introduction contained some graphics, definitions, and copyright information, as well as Gandergunmen logo's which could've made the same impact by removing some of the references.

Some of the text throughout the movie was too long. Too much to read, packed into a window. For example (using a hypothetical)

-----  
Fred Firewall  
CEO Bathroom Products and Chief Sound Engineer  
"T-Bone, Slim Daddy"  
Taking aim at Saskatchewan Mallard  
Boom-boom  
Shake yo booty  
-----

The above contains too much to read in a tiny caption beneath someone's photograph.

No offense, just trim back on the amount of text within a single frame.

**GG 000077**

Slow motion scenes: Hell I love 'em. I can see where someone might become taxed with the amount in the movie, but I ain't one of 'em. 🌐

Kill shots were FANTASTIC! You guys blew the snot out of a lot of ducks. And better yet, you got a lot on tape. That's a mother. Its especially hard to film an incoming duck, zoom in on it, and capture the contact without losing focus or losing the duck. Great job with the camera, on numerous occasions.

Please PM me with your camera info. One is a SONY. I have to know!

Your video cameras were able to zoom beyond a blade of grass and not lose focus. They also filtered the sun quite well and maintained a steady picture during left-to-right handling, etc. Great picture clarity and resolution. Professional quality.

I say this because I know the difference. You either got lucky as hell with your camera purchase or you did your homework and found a good one. My guess is the latter.

Interaction with humans: good job. Everyone seemed at ease and ready to cut up. Your crew is not bashful.

Camera handling: I noticed you listed perhaps 5-10 people who did filming. That's amazing, considering that it takes some experience to film and capture the action that will appeal to the viewer. Great job!

Arkansas: Love it. My kind of terrain. Great work. Perfect. Can't beat it.

Snow goose hunt: I liked the way you revealed the stalk and the game plan. Yep the camera was a bit shaky, but you were in a moving vehicle and the sun was glaring. Overall you did a hell of a job with that.

Arctic hunt: St. James Bay? Hudson Bay? I loved it. Great wolf footage. Not as many kill shots, but maybe there wasn't as many opportunities. Helicopter: trim out some of the helicopter. We saw it plenty, it became a distraction. (maybe my own quirky observation).

The one and ONLY area I see lacking (and remember, I'm critiquing from what a PROFESSIONAL movie should contain)....is the small amount of calling. Yes, we see some guys blowing a duck call, but there needs to be more. Much more. Even if its brief segments injected randomly.

Dog work: Great job. You got plenty.

Overall: Great movie, very time consuming. Great use of graphics, slow-mo, black and white, rewinds. This added a lot to the entertainment. You have a good movie software package. PM me. What is it? 🌐

Closing credits: Flawless. Good job.

---

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**Wayne-Mask**



WFC Sponsor



IP Logged

Registered: 09-20-2001

Posted: 2006-03-27 09:58

---

Sota, Watched it again, changed my mind. Dang thing sucked from the get go. You're lame too. Thanks for nothing. Wayne

GG 000078

Posts: 7155  
From: TX  
US


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### feet down



WFC Sponsor  
IP Logged

Registered: 09-01-2002  
Posts: 7149  
From: MI  
US

 Posted: 2006-03-27 10:52

What might be missing in my original post is overall how thoroughly enjoyable Hard Gravity is.

And an apology to TrashDux.

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### MUDDOG



WFC Sponsor  
IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

 Posted: 2006-03-27 11:25

Is Trash Dux aka: Robey? I.E, Robillard? If so, I hate that we now hate one another. I hope its someone else. ☹


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### Kjinlog



WFC Sponsor  
IP Logged

Registered: 07-29-2002  
Posts: 4766  
From: LA  
US

 Posted: 2006-03-27 14:47

Sota, thanks for letting view the DVD. Honsetly I haven't watched a hunting video I've enjoyed better. I liked all of it, the intro, slow motion shots, the black and white shots, the dog work, (excellent) the slide-ins, everything. It definately has the best sound track I've ever heard on a hunting video. Loved the Skynard in the swamp. Perfect. I believe you have a marketable product there. I will cherrish the 8"x10" glossy photo of you and the Gunmen and their autographs. Thought the paw print was a nice touch. ☺

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### cyber teal



Gold Sponsor  
IP Logged

Registered: 09-29-2002  
Posts: 7781  
From: MN  
US

 Posted: 2006-03-27 20:31

Hard Gravity

Sota, I watched your dvd "Hard Gravity"... and I thoroughly enjoyed the whole thing.

For a first attempt it was awesome. Well filmed and edited. I even like the musical list.

All in all....a great hunting "2006" duck shack hunting dvd.

Now as far as marketing, and looking at it as something I would buy at a....oh lets say "Gander Mountain." I'm going to have to give it 6.5 out of 10 stars.

That being said....you guys did more right then wrong. Like I said it was awesome.

I don't want to be ultra critical here...and don't know what you didn't keep in and why you kept in what you did. "That is not for me to say"

I'm sure you've had comments about shooting decoys or shots too close to the dog.

I'm not saying they were but were talking about the public. Yes?

I would have also liked to hear more post hunt commentary. The hunt is over and it's time to reflect on the day's good time. Maybe recap the great shots and the best retrieves that each hunter had for that hunt. And their take of each...."kind of a get to know ya type explanation" of who you are and why we would look


GG 000079

forward and buy the next Gander Excursion. And if you can you use a tripod when ever possible. Then that brings me too "leave um wanting more". I know I do...but were not talking about me.

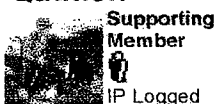
So I'd say more pre& post hunt commentary, and a little less decoy killing.

Now, as for me.....I'm giving you guys a 9.5 and Buck a 10..!  
Thanks again,  
teal

 profile  edit/delete  quote

 Posted: 2006-03-27 23:33

**Thomas  
Quinlen**



Registered: 12-27-2001  
Posts: 482  
From: TN  
US

Just finished watching the film, and it was, on the whole, excellent. Made me wish the geese were still down here or that it was something less than 5 months to the opening of dove season, which tides me over until duck season opens 7 weeks later.

Watched it on my computer. Windows Media Player handled it just fine, though I could not FF or RW. Roxio DVD Player didn't seem to like it, but it may have been trying to play on both players simultaneously at that point.

I stopped reading the posts here when I found out I was getting a copy so that I would have a somewhat unbiased perspective on the film. I recall some people thought there was too much slow motion and stop-motion, but that didn't bother me at all.

Like I said, I really enjoyed the film, but now I am going to name everything I can think of that could possibly be done better.

#### **Stuff you can change on this film.**

1. The intro is too long. I don't know squat about film-making, but I figure it's got to be at least a little like writing. Right up front, you want to state your thesis - I think the definitions of "hard" and "gravity" could easily play into this. In fact, you don't really need to shorten the intro, so much as you need to use it for exposition.

Whether you want to do a voice-over or film a new segment explaining what we're about to see, you need to establish a framework at the beginning. Something along the lines of, "I'm Sota Smith, and during the 2005 waterfowl season, my friends and I loaded up our dogs and our gear and traveled the Atlantic, Mississippi and Central Flyways, from Canada, to Minnesota, Nebraska, and Arkansas, in search of the best waterfowling in the world. You'll see us as we...." You get the idea.

Without the exposition up front, the film gets off to an uncertain start. I assume the first hunting sequence began with the caption at the bottom of the screen, but I couldn't be sure.

2. Give some explanation of what's going on in each hunt. The goose hunts did a better job of this, but the duck hunts were not explained very well. My personal preference, particularly with the first hunt would be to know where you are, how you found the spot, the date, the weather, and what kind of birds you expect to see. Again, if you don't have the footage, you could do a voice-over with the

**GG 000080**

opening shots

3. At the end of the first hunt, you're holding up a pair of Canada geese. I didn't see any Canada's shot in that first hunt. Maybe I missed it, but that confused me - it looked like a different setting too. Editing mistake?

4. If you can't make it less bouncy, cut some of the driving by the geese. That scene is stomach-churning. I know you want that bit of dialogue, but can you cut some around it?

5. I was just looking at some of the other comments, now that I have written all this, and there are a couple of things I agree with. Post-hunt commentary would be good, and a little more character development would be good - both hunters and dogs.

#### Stuff for the NEXT film

1. Get your camera operators to practice some - the handheld feel is cool (Saving Private Ryan), but some shots were just insanely bouncy. I started getting motion sickness at one point when y'all were driving around scouting your goose hunting location. Don't zoom in and out so much.

2. On a related note, do your cameras allow for image stabilization? What about manual focus? Particularly when y'all were in the trees in Arkansas, the cameras had a hard time focusing past the sticks and branches. I would be interested to see how a low-light camera would work for those early shots in the timber - the green tint might be cool.

3. Me. Putting Thomas Quinlen in your next film will ensure additional sales. People the world over want to see me in action. Really. Failing that, I have a big family, and they all buy my sister's CD's, so I'm sure they'd all buy a DVD if I were in it.

#### Neither here nor there.

Sota, I noticed you carrying a camo'ed up O/U. What is it? What were the other guns y'all carried? What shells were y'all shooting - I think it would be interesting to know those things, particularly for folks like me who don't goose hunt much, and vice versa for those who hunt more geese than ducks.

I thought the closing section was the best - the clips were great, music was great, and the shots related to the credits, giving the video clips context. Context is the film's biggest weakness, but fortunately, it's a weakness you can easily shore up with a little talking to the audience.

Music was great throughout - what is the name of the opening track? It was the theme to the TV show "Third Watch." I love that song.

[Edited By Thomas Quinlen on 2006-03-27 23:41]

[Edited By Thomas Quinlen on 2006-03-27 23:49]

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GG 000081

**Nat-Dudka**  
Field Editor  


 Posted: 2006-03-28 10:50

Thank you very much for sending me a copy. I enjoyed it. I thought the whole



IP Logged

Registered: 11-08-2002  
Posts: 4700  
From: TX  
US

video was excelent. I don't know much about movie making so I'll tell what I think as a veiwer.  
It realy looked real. Unlike most hunting videos This one looks like real hunting. It was great and I will be watching it again.

Love the Redheads

profile edit/delete quote

## MUDDOG



WFC Sponsor

IP Logged

Registered: 07-29-2002  
Posts: 19482  
From: TX  
US

Posted: 2006-03-28 10:55

If Nat likes it, everybody likes it.

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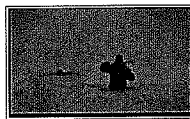
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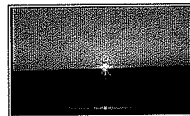
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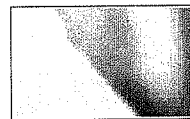
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**The GanderGunmen in "Sasquatch Killin' Floor"**  
The GanderGunmen harvest Canada geese on the Sasquatch Killin' Floor, "R3 style." "Rough, Raw... ..REAL." The video ... (more)

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**GanderGunmen & PitBlind Field Video**  
Report: "FEATHERS"  
Sota Smith & Trapper of the GanderGunmen talk with their amigo, Jay DeLeon, Fur & Feather expert on waterfowl feathers ...

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**GanderGunmen Promo "Hard Gravity Vol. I."**

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Sota Smith & **the GanderGunmen** continue to commit extreme waterfowlcide action to electrifying music in **the** next volume of ... (more)

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## Episode I : Sota &amp; Hondo @ 2008 The Great Outdoors Festival

Sota **the GanderGunmen**, and his compadre Hondo from Pella Bird n' Lite technologies work at **the** 2008 Great Outdoor ... (more)

Added: 1 month ago

From: [GanderGunman](#)

Views: 278

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**The** last half of Sota & Hondo's work at **the** 2008 Great Outdoors Festival in Oshkosh Wisconsin, featuring celebrities such ... (more)

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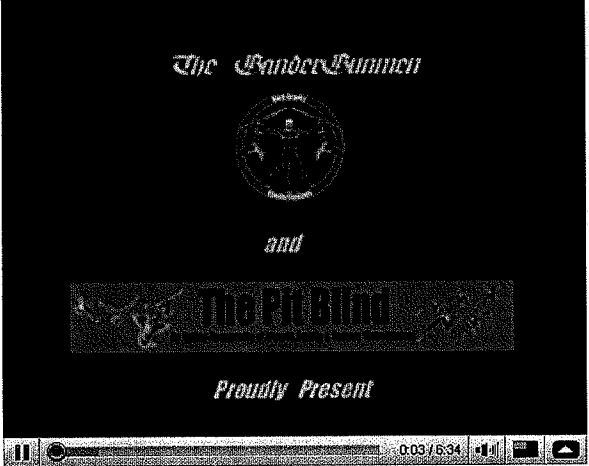
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### The GanderGunmen "the Killing Floor" Goose Hunt



0:03 / 6:34

Views: 2,320

From: GanderGunman  
Added: November 04, 2007  
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The GanderGunmen's preview of extreme goose killing ...

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Views: 22,962
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04:00 From: GanderGunman  
Views: 806
- Goose hunting: Honkers in Alberta  
07:24 From: OngaroOutdoors  
Views: 90,200

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YouTube - Sota & Hondo @ 2008 Great Outdoors Festival Part 2 - Windows Internet Explorer

http://www.youtube.com/watch?v=RPTZCQHCUIM

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03:05 From: RNTjimbo  
Views: 9,260
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05:13 From: madappletn  
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YouTube - "The Magic Window" A Sota Smith - Rod Haydel music video - Windows Internet Explorer

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"The Magic Window" A Sota Smith - Rod Haydel music video



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Sota Smith of the GanderGunmen & Rod Haydel of Hayde...

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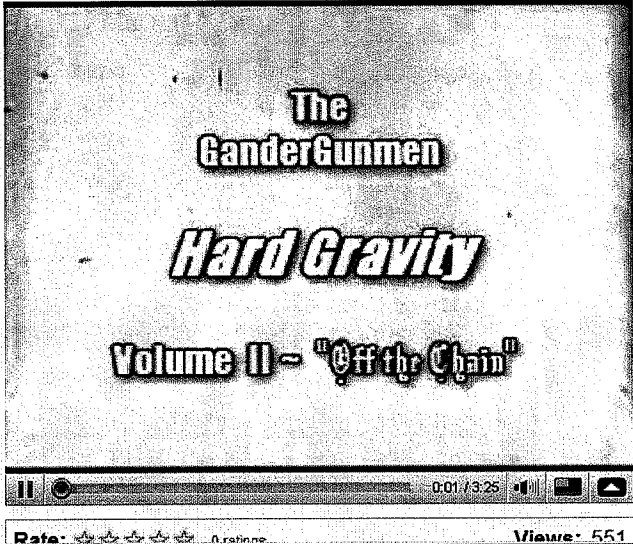
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**A preview of "Hard Gravity Volume II ~ Off the Chain" DVD**



From: GanderGunman  
Added: May 18, 2008  
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Sota Smith & the GanderGunmen continue to commit ext...

URL: <http://www.youtube.com/watch?v=Pn5KbuHpz-Y>

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06:31 From: jameshenning  
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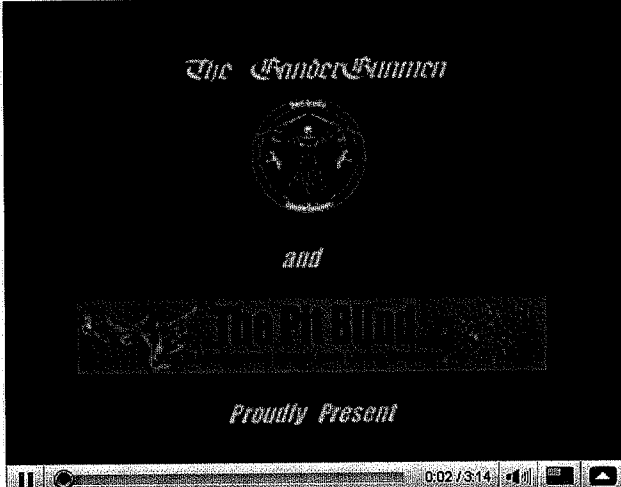
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### The GanderGunmen "Hard Gravity Volume I ~ The Director's Cut



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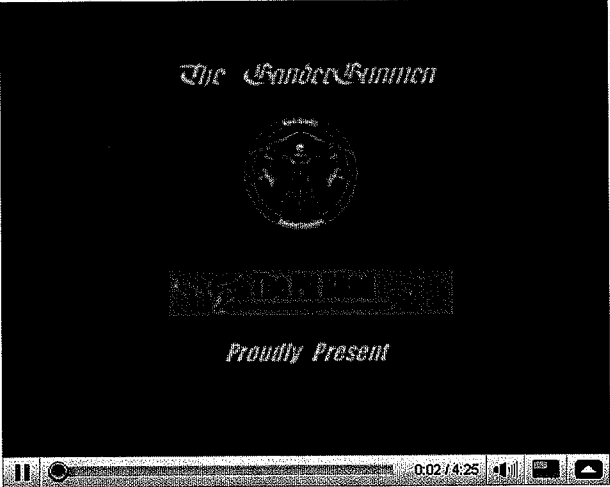
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A GanderGunman musicvideo featuring the artists, "B..."

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A Pit Blind Video Field Report

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From: GanderGunman

Added: November 15, 2007

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Sota Smith & the GanderGunmen pattern shotguns, a Br...

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00:12 From: GanderGunman

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